

EXHIBIT 76

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

JAMES D. SULLIVAN, et)
al., individually, and)
on behalf of a Class of)
persons similarly)
situated,) Civil Action No.
5:16-cv-00125
Plaintiffs,)
vs.)
SAINT-GOBAIN)
PERFORMANCE PLASTICS)
CORPORATION,)
Defendant.)

VIDEOTAPED DEPOSITION OF JAMES D.
SULLIVAN, taken pursuant to notice before Beth
Gaige, Registered Professional Reporter, at
the offices of BarrSternberg Moss Silver &
Munson, P.C. 507 Main Street, Bennington, VT,
on April 9, 2018, commencing at 9:24 a.m.

A P P E A R A N C E S

FOR THE PLAINTIFF:

EMILY J. JOSELSON, ESQ.
Langrock Sperry & Wool, L.L.P.
111 S. Pleasant Street
Middlebury, VT 05753
Phone: 802.388.6356
E-mail: Ejoselson@langrock.com

JAMES W. WHITLOCK, ESQ.
Davis & Whitlock, P.C.
21 Battery Park Ave., Suite 206
Asheville, NC 28801
Phone: 828.622.0044
E-mail: Jwhitlock@enviroattorney.com

DAVID F. SILVER, ESQ.
Barr Sternberg Moss Silver & Munson, P.C.
507 Main Street
Bennington, VT 05201
Phone: 802.442.6341
E-mail: Dsilver@barrsternberg.com

FOR THE DEFENDANT:

LINCOLN WILSON, ESQ.
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue
New York, NY 10010
Phone: 212.849.7000
E-mail: Lincolnwilson@quinnemanuel.com

NICHOLAS LOCASTRO, ESQ.
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue
New York, NY 10010
Phone: 212.849.7000
E-mail: Nicholaslocastro@quinnemanuel.com

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WITNESS: JAMES D. SULLIVAN

Direct Examination by Mr. Wilson

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STIPULATION

(It is hereby agreed by and between the parties that signature is not waived.)

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THE VIDEOGRAPHER: We're now on the record. Please note that the microphones are sensitive and may pick up whispering and private conversations.

Please turn off all cell phones or place them away from the microphones as they can interfere with the deposition audio. The recording will continue until all parties agree to go off the record.

My name is Edward Roy, representing Veritext. Today's date is April 9th, 2018. The time is now approximately 9:24 a.m.

This deposition is being held at BarrSternberg -- BarrSternberg Moss Silver & Munson, PC, located at 507 Main Street Bennington, Vermont, and is being taken by counsel for the plaintiff.

The caption of the case is James D. Silver -- Sullivan, et al, individually and on behalf of a class of persons similarly situated, Plaintiffs, versus Saint-Gobain

1 Performance Plastics Corporation, Defendant.
2 This case is being filed in the United States
3 District Court, District of Vermont, Case
4 Number Civil Action No. 5:16-CV-00125.

5 The name of the witness is James D.
6 Sullivan.

7 At this time the attorneys present in the
8 room and attending remotely will identify
9 themselves and the parties they represent.

10 MR. WILSON: Lincoln Wilson of Quinn
11 Emanuel Urquhart & Sullivan for Defendant
12 Saint-Gobain Performance Plastics Corp, and we
13 will be taking this deposition today.

14 MR. LOCASTRO: Nicholas LoCastro of Quinn
15 Emanuel for the defendant.

16 MR. SILVER: David S. Silver for the
17 plaintiff.

18 MR. WHITLOCK: James Whitlock on behalf
19 of the plaintiff.

20 MS. JOSELSON: Emily Joselson for the
21 plaintiff.

22 THE VIDEOGRAPHER: Will David F. Silver,
23 representing the BarrSternberg Law, swear in
24 the witness, and we can proceed.

25 (The Witness was administered the oath.)

1 THE VIDEOGRAPHER: Please commence.

2 JAMES D. SULLIVAN, having been duly sworn by
3 the Notary Public, was examined and testified
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. WILSON:

7 Q. Good morning. Would you please state your
8 name for the record?

9 A. James D. Sullivan.

10 Q. And your date of birth?

11 A. 9/27/1960.

12 Q. And, Mr. Sullivan, my name is Lincoln Wilson.
13 We've been introduced off the record.

14 I understand you've been deposed before?

15 A. Yes.

16 Q. And just to go over the ground rules before we
17 get into this, I'm going to do my best to be
18 clear in my questions and slow for the court
19 reporter; but if there's anything that you
20 don't understand about my questions, please
21 ask me to rephrase. I'll be happy to ask
22 again in a way that's going to be easy to
23 understand.

24 It's also important that you give vocal
25 answers. Sometimes because it's a natural

1 conversation you might want to say mm-hmm or
2 uh-huh, but the court reporter needs a clear
3 yes or no to those kinds of questions.

4 And you might also have a good sense of
5 where I'm going with the question and you can
6 answer it before I get to the end of it, and
7 you may know exactly where I'm going; but for
8 the court reporter's sake, it's important to
9 wait until I'm done with the question before
10 you respond.

11 You can take a break basically any time
12 you need one. The only exception to that is
13 if there's a question pending, we can't take a
14 break while a question is pending.

15 And the one exception to that rule is if
16 there's an -- if you need to invoke
17 attorney/client privilege, you can do so
18 before you answer a question.

19 You do understand today that you're under
20 oath, Mr. Sullivan?

21 A. Yes, I do.

22 Q. And the important thing, of course, today
23 is -- is that you tell the truth.

24 Now, I -- I want it to be clear also that
25 I'm not your adversary. Miss Joselson, Mr.

1 Whitlock, Mr. Silver, they're my adversaries.
2 You're not my adversary. I'm here to try to
3 understand your claims so my client can
4 understand your claims so the court can
5 understand your claims so the jury can
6 understand your claims. I'll do my very best
7 to be courteous and kind as we go through this
8 process.

9 And I will have to ask some sensitive
10 questions, either about your medical history
11 or about your -- your personal life. I'll do
12 my best to be respectful, but please
13 understand that it's not because I'm trying to
14 be a jerk or anything.

15 And also, that there may be some times in
16 this deposition that seem -- seem tedious, and
17 I'd just ask you to bear with me as we go
18 through those things. Some questions you may
19 not understand why I'm asking them, but if we
20 can do our best to get through the process
21 together, that will be great.

22 Anything about that unclear to you?

23 A. No.

24 Q. Okay. And just so we can get it on the
25 record, can you tell me about this prior

1 deposition that you've done before?

2 A. Oh, I -- many years ago I -- I was deposed as
3 part of my employment relative to land use law
4 cases.

5 Q. Was that one deposition or several
6 depositions?

7 A. I think there were at least two.

8 Q. And can you tell me just a little bit about
9 what -- what your -- kind of testimony you
10 were giving in those cases?

11 A. They -- boy, I don't remember the details of
12 the cases actually. I think there was a
13 zoning case in -- in the town of Manchester,
14 and there was a -- an appeal of a decision of
15 a town board that -- that I was -- I was
16 involved in because I had worked for the town
17 of Manchester at one time.

18 Q. So that was not with regard to your current
19 employment at the Bennington County Regional
20 Commission?

21 A. That's true. That's true, although I do think
22 that the second deposition, if I remember
23 right, was related to the Regional Commission
24 involved in the case, but it was probably
25 20 years ago, and I can't even tell you what

1 that was about.

2 Q. Just to touch briefly on your education.

3 Can you tell me what the highest level of
4 education you obtained is?

5 A. I have two master's degrees.

6 Q. And what are those degrees in?

7 A. Natural resource management and public
8 administration.

9 Q. And where did you go to earn those degrees?

10 A. The natural resource degree was from Cornell
11 University, and the public administration
12 degree was through the Maxwell School at
13 Syracuse University.

14 Q. And what years did you get those degrees?

15 A. Okay. I think that the Cornell degree was
16 1984, and then the -- the Syracuse degree, I
17 think I finished that one up in the beginning
18 of '86, maybe January of '86.

19 Q. And what field of study was your undergraduate
20 degree in?

21 A. I was a -- it was a major called biology and
22 environmental science.

23 Q. What school did you get that from?

24 A. Colby College.

25 Q. And that's in Maine, right?

1 A. That is in Maine, yes.

2 Q. And now you currently work for the Bennington
3 County Regional Commission?

4 A. That's correct.

5 Q. Can you describe your current position?

6 A. I'm the executive director of the Regional
7 Commission.

8 Q. And what's your -- what are your
9 responsibilities in connection with that
10 position?

11 A. Well, overall -- overall management of the
12 day-to-day operations of the organization, you
13 know, staff supervisor, oversight, budget
14 development, program management.

15 And I -- I'm also, you know, being a
16 small -- a small commission in a small part of
17 the state, I -- you know, I do a lot of
18 hands-on planning work, too, working directly
19 with some of the municipalities in the region.

20 Q. So maybe a better question, since you're sort
21 of the -- the head of the Bennington County
22 Regional Commission is what is the Bennington
23 County Regional Commission, what are its
24 duties and responsibilities?

25 A. Well, there -- there's 11 regional planning

1 commissions in the state, and they're created
2 by the municipalities within their regions
3 specifically to provide technical planning
4 services to those municipalities. So those --
5 those services change over time, but generally
6 involve assistance in areas like land use
7 planning, transportation planning, energy
8 planning, emergency management planning,
9 environmental planning and economic
10 development.

11 Q. So when you describe it as a planning
12 organization, does it have authority as a
13 governmental organization? For instance,
14 if -- if the Bennington County Regional
15 Commission says X, then X is what happens?

16 A. No. That would be nice.

17 Q. So it's -- it's an advisory sort of function?

18 A. That -- that's -- that's correct. We work --
19 we work -- again, you know, we work with
20 municipalities primarily.

21 Q. And how long have you been there?

22 A. I've been at the Regional Commission since
23 1989.

24 Q. And in connection with your position, do you
25 have any authority over environmental policy

1 in Bennington?

2 A. No, no, not authority.

3 Q. Have you given advice on environmental policy
4 in Bennington?

5 A. Yeah. Planning advice.

6 Q. What -- can you give me some examples of the
7 kind of planning advice you might have given?

8 A. Yeah, sure. I mean, just -- just in the way
9 of, like, we -- we do work, for example, in
10 the areas of water quality management for
11 municipalities kind of as a liaison between
12 the state and the town. So we -- our
13 organization, and me personally, will offer
14 advice on how like the town of Bennington or
15 other municipalities in the region might
16 undertake highway maintenance projects to
17 maintain and improve water quality.

18 Q. Did you give any advice to either the city or
19 the state with regard to the presence of POFA
20 in Bennington?

21 A. No.

22 Q. And why not?

23 A. Well, it was -- one, it was never really part
24 of our job -- seen as part of our job; and
25 secondly, I was directly affected, so in any

1 event, if the commission were to be involved,
2 I would not have been involved.

3 Q. Were you at Bennington County Regional
4 Commission during the time that the ChemFab
5 plants at Water Street and North Side Drive
6 were in operation?

7 A. Yes.

8 Q. Can you tell me what you recall of those
9 plants at that time?

10 A. That -- that it was there and that it
11 manufactured fabrics that -- and materials
12 that were -- had some certain applications
13 that -- and I really didn't know too much
14 about the details of -- of the operations of
15 the plants.

16 Q. When you say certain applications, did you
17 have any specific recollection about what
18 those applications were?

19 A. I remember at one point somebody telling me
20 that they had made the -- some of the material
21 for the -- the dome of the -- the dome stadium
22 in Syracuse, which I thought was interesting.

23 Q. Did you have any concerns with those plants at
24 the time?

25 A. No. I really -- I really wasn't involved to

Row	Small Square	Large Square	Bar Length (approx. %)
1	■	■	100
2	■	■	75
3	■	■	15
4	■	■	85
5	■	■	95
6	■	■	10
7	■	■	98
8	■	■	100
9	■	■	15
10	■	■	85
11	■	■	100
12	■	■	50
13	■	■	50

14 Did the Bennington County Regional
15 Commission do any sort of reviews of potential
16 hazardous substances in the course of its
17 actions?

18 MS. JOSELSON: Object to the form.

19 A. That's -- I'll answer that the best I can.

20 So the Regional Planning Commission is
21 involved in environmental planning. Primarily
22 when you're talking about hazardous materials
23 in the way of brownfield redevelopment
24 planning, we don't do those assessments
25 ourselves. We -- we hire environmental

1 consultants to do that work, and we oversee
2 the projects.

3 //

4 BY MR. WILSON:

5 Q. And so the Bennington County Regional
6 Commission, would it be keeping abreast of
7 changes in science and regulation about what
8 substances were considered hazardous?

9 A. No, that's not really part of our role.

10 Q. Can you tell me when you first heard of PFOA?

11 A. I can't really tell you specifically when, no.

12 Q. Can you approximate when you first heard of
13 it?

14 A. I'm -- I'm going to have to say probably
15 several years ago when I read some material
16 about it.

17 Q. So this would have been before the
18 announcement of the discovery of PFOA in water
19 in Bennington?

20 A. Yes.

21 Q. Do you remember what you heard about it?

22 A. I remember -- I remember stories about PFOA
23 contamination in some communities. I forget
24 what state they were in. I think -- I think
25 there was an article in a newspaper that got

1 some circulation.

2 Q. Did you understand at that time that PFOA was
3 also a substance that had been used by ChemFab
4 in Bennington?

5 A. No.

6 MS. JOELSON: Object --

7 A. No.

8 MS. JOELSON: Yeah, so just give me a
9 little time --

10 THE WITNESS: Okay.

11 MS. JOELSON: -- to make objections to
12 form.

13 THE WITNESS: All right.

14 BY MR. WILSON:

15 Q. Did you take any action based on what you
16 heard about PFOA when you first heard about
17 it?

18 A. No.

19 Q. Do you have any local concerns based on what
20 you first heard about PFOA?

21 MS. JOELSON: Object to the form.

22 THE WITNESS: Should I answer?

23 MS. JOELSON: You can always answer
24 unless they tell you not to.

25 THE WITNESS: Okay.

1 A. Did I have any -- could you -- could you say
2 that again?

3 BY MR. WILSON:

4 Q. Yeah. Did you have any -- when you first
5 heard about PFOA, were you concerned about
6 anything specific to Bennington or North
7 Bennington when you first heard about PFOA?

8 MS. JOSELSON: Object.

9 A. No.

10 MR. WILSON: Would you mark this as 1?

11 (Deposition Exhibit No. 1 was marked for
12 identification.)

13 BY MR. WILSON:

14 Q. The court reporter has handed you what's been
15 marked as Exhibit 1 to your deposition.

16 Can you tell me what this is?

17 A. That appears to be an article from the Hill
18 Country Observer about PFOA contamination in
19 our area.

20 Q. And is that a picture of you and your wife in
21 the article?

22 A. Yes, it is.

23 Q. And do you remember when this article came
24 out?

25 A. No, but I see the date on it.

1 Q. So I'd like you to take a look it looks like
2 it's about the fifth paragraph. It says,
3 quote, I'm concerned about the health effects,
4 end quote, Sullivan said. Quote, we just
5 don't know, end quote.

6 Did I read that correctly?

7 A. Yes.

8 Q. Can you tell me what you meant by, we just
9 don't know, at the time?

10 A. I really don't recall.

11 Q. You can't recall how you felt about PFOA at
12 that time?

13 MS. JOSELSON: Object to the form.

14 A. No. I -- when I said, according to the
15 article here, we just don't know, I -- I
16 really don't recall what I was referring to.
17 Perhaps I'd have to read the rest of the
18 article.

19 BY MR. WILSON:

20 Q. If you take a look at the third paragraph
21 there it says, quote, I had no concerns until
22 this happened, end quote, Sullivan said.
23 Quote, we thought -- excuse me -- we were
24 using the water straight from the tap. We had
25 no clue, end quote.

1 Did I read that correctly?

2 A. Yes.

3 Q. Does that refresh your recollection about what
4 you were thinking at the time and what -- what
5 your concerns were about health effects?

6 MS. JOELSON: Object.

7 A. That -- that may be related to the previous
8 quote. I -- I can't say that for sure. It --
9 it just reflects the fact that prior to the
10 discovery of PFOA in our water supply, I -- we
11 weren't aware of any contamination and so had
12 no concerns about our water.

13 BY MR. WILSON:

14 Q. So you don't -- you can't tell me, as you sit
15 here today, what you meant by saying, we just
16 don't know?

17 MS. JOELSON: Object.

18 A. That's true.

19 BY MR. WILSON:

20 Q. So prior to your position as executive
21 director of the Bennington County Regional
22 Commission, can you tell me about the prior
23 positions you held with that organization?

24 A. Sure. I was -- I was hired as a -- as kind of
25 a generalist planner, coming from the town of

1 Manchester, and so my initial responsibilities
2 dealt primarily with working with towns on
3 comprehensive plans and land use regulations.

4 Then, you know, I started getting in --
5 having some more responsibilities in the area
6 of geographic analysis as we were starting to
7 get into geographic information systems. And
8 then I, for about ten years, I had also
9 taken on, in addition to those
10 responsibilities, the role of transportation
11 planner. I was exposed to transportation
12 planning and -- and then I subsequently got --
13 worked in the brownfields program for a little
14 bit. I started that at the commission, and --
15 and then I've worked a lot in energy planning.

16 Q. So you mentioned that prior to your work at
17 the Bennington County Regional Commission,
18 you'd worked for the town of Manchester?

19 A. That's correct.

20 Q. And what was your position there?

21 A. I was the town planner and zoning
22 administrator.

23 Q. And prior to work with the town of Manchester,
24 you worked -- well, who did you work with
25 before that?

1 A. I was in graduate school before that.

2 Q. And forgive the ignorance of a Seattleite
3 asking this question, is this Manchester, New
4 Hampshire, or Manchester --

5 A. Oh, Manchester, Vermont.

6 Q. Vermont?

7 A. Sorry about that, yeah.

8 Q. Thank you. So I'd like to ask some questions
9 now about your property at 35 Asa Way.

10 You own that property; is that correct?

11 A. That's correct.

12 Q. Together with your wife?

13 A. Yes.

14 Q. And this is a single-family home?

15 A. Yes, it is.

16 MR. WILSON: I'm going to mark some
17 exhibits here. This will be 2.

18 (Deposition Exhibit No. 2 was marked for
19 identification.)

20 BY MR. WILSON:

21 Q. The court reporter has handed you what's been
22 marked as Exhibit 2 to your deposition.

23 Can you tell me what this is?

24 A. That is an image of my house.

25 Q. Did you take this picture?

1 A. I'm going to say probably. I don't really
2 recall who took it, but I wouldn't be
3 surprised if I did.

4 Q. And looking at that picture, is there anything
5 that you see in that that you say, oh, it
6 doesn't look like that now; this -- this has
7 changed since that time?

8 MS. JOELSON: Objection.

9 A. Yes.

10 BY MR. WILSON:

11 Q. What's changed?

12 A. The snow melted.

13 Q. Okay.

14 A. In addition to that, I would say that we added
15 some photovoltaic panels to the roof.

16 Q. Okay. I'd like you -- if I can, I'm going to
17 hand you this pen, and since it would not be
18 proper for me to write on a deposition
19 exhibit, since I'm not giving the testimony,
20 could you indicate where those -- on that
21 picture where those photovoltaic panels were
22 added?

23 A. With an arrow?

24 Q. Yes. You can write right on the exhibit.

25 A. (Witness complying) PV panels.

1 Q. And you don't need to indicate the snow
2 melting. But is there anything else on there
3 that's changed since that time?

4 A. No.

5 MR. WILSON: This is going to be 3.

6 (Deposition Exhibit No. 3 was marked for
7 identification.)

8 BY MR. WILSON:

9 Q. The court reporter has handed you what's been
10 marked as Exhibit 3 to your deposition.

11 Can you tell me what this is?

12 A. These are the -- the building elevations and
13 floor plans associated with the house at the
14 35 Asa Way, and there is a -- also a -- a
15 sketch plan of the lot with the location of
16 the house on it that I -- I recall being used
17 for the zoning permit, since it shows the
18 setbacks.

19 Q. So these drawings were done at the time the
20 house was built.

21 A. They were done prior to the house being built.

22 Q. And let's take a look through these drawings.

23 If you look at the first three pages that
24 show, I believe, exterior drawings, can you
25 tell me on those first three pages if there's

1 anything that's changed to the exterior of the
2 home since these drawings were done?

3 A. The first three pages -- so I'm going to say
4 that on the first page, the -- the window that
5 you see on the left on the first floor, which
6 is the -- the one toward the -- on the west
7 side facing west toward the -- toward the
8 north is -- I think was moved toward the north
9 by about a foot.

10 Q. Okay.

11 A. And I would say other than that, that the --
12 this is a bit of a detail. The smoke stack
13 there --

14 MS. JOSELSON: On page 3.

15 THE WITNESS: On page 3, right.

16 A. That had a -- has a -- like the top -- the
17 design of the top was changed a little bit to
18 add a metallic cage to prevent birds from
19 getting into it.

20 Other than that, I would say it's pretty
21 much what it is today.

22 BY MR. WILSON:

23 Q. Would you make an indication for that addition
24 to the top of the smoke stack there?

25 A. Sure. (Witness complying) Bird cage added.

1 Q. So now if you turn to the fourth page of this
2 document, we're looking at I believe it's the
3 floor plan of the second floor; is that
4 correct?

5 A. That's correct.

6 Q. And there's an indication on here, it says,
7 hardwood flooring in both the bedrooms and
8 hardwood in the hallway?

9 A. That's true.

10 Q. It looks like -- were those later improvements
11 that were added?

12 A. No.

13 Q. So the hardwood floors went in when the home
14 was first constructed?

15 A. That's correct.

16 Q. And is there anything that's changed about the
17 floor plan on this floor since the time that
18 you built the home?

19 A. No. The -- the only thing that doesn't show
20 on this floor plan is that there's a full
21 doorway access from bedroom number two into
22 the space to the left of that, which is, in
23 fact, the attic.

24 Q. Okay. Would you just make an indication for
25 that on the drawing?

1 A. (Witness complying) Door to attic.

2 Q. And if you'll turn to the following page, take
3 a look at that.

4 A. (Witness complying)

5 Q. Is this a floor plan of the main floor of your
6 home?

7 A. Yes, it is.

8 Q. And could you tell me what the flooring is in
9 these various rooms?

10 A. Sure. The -- the flooring in the living --
11 the area shown as the living room and the --
12 the hallway -- I -- I hope I don't have to
13 explain what the hallway is -- the hallway and
14 the -- the -- if it's called the study --

15 Q. Mm-hmm.

16 A. -- on the plans, right, that's hardwood,
17 bird's eye maple. And the -- the flooring in
18 the master bedroom, which is shown as bedroom
19 there, is a -- is a -- is a -- another
20 hardwood floor, the same as used in the
21 upstairs bedrooms, and it's some kind of a
22 tropical hardwood, and I can't remember
23 species.

24 The -- the balance of the building, the
25 kitchen, dining room, both of the bathrooms

1 and the laundry is a ceramic tile.

2 Q. Okay. Would you just make some indications in
3 there for tile and bird's eye maple and
4 tropical hardwood?

5 A. Sure. (Witness complying) Let's see, tropical
6 hardwood floor. Bird's eye maple floor here
7 and here and here. Ceramic tile. How do you
8 spell ceramic? And here ceramic tile floor.
9 Oh, and around the pellet stove is also a
10 ceramic tile.

11 Q. And there's an indication on the left side of
12 that drawing. I think it says window seat and
13 it's x'ed out?

14 A. That's right.

15 Q. Can you tell me what that's about?

16 A. Sure. So I guess the original sketch plan
17 showed a window seat and that protruding
18 window, and we decided not to put a window
19 seat in. So it's just -- the floor continues
20 up to the wall.

21 Q. If you'll turn to the following page.

22 A. (Witness complying)

23 Q. Is this the basement to your home?

24 A. Let's see. Yes, it is.

25 Q. And is that a playroom and a study, slash,

1 bedroom down there that I see?

2 A. Yes.

3 Q. Okay. And what's the flooring in there?

4 A. That's -- that's actually a stained concrete
5 floor.

6 Q. Would you indicate that?

7 A. Mm-hmm. (Witness complying) Concrete floor,
8 and that's there and here.

9 Q. And the POET that's been installed on your
10 home --

11 A. Mm-hmm.

12 Q. -- and just for the record, that's a
13 point-of-entry treatment system -- can you
14 tell me where that has been installed?

15 A. Yes.

16 Q. Where's it been installed?

17 A. Well, that was installed in the utility room.

18 Q. Would you indicate where that is on the
19 drawing?

20 A. The utility room is right there. (Witness
21 indicating)

22 Q. And would you write it on the drawing?

23 A. The POET system is --

24 Q. Yes.

25 A. -- specifically? Okay. Sure. It's

1 approximately in this area, POET system.

2 Q. And if you turn to the following page,
3 looking -- I understand this is an overhead
4 view of the lot on which your home sits; is
5 that correct?

6 A. That's correct.

7 Q. And can you tell me how many acres is this
8 lot?

9 A. I believe it's .545 acres.

10 Q. And can you tell me what features of the land
11 we might see in this lot, other than your
12 house?

13 MS. JOELSON: Object.

14 A. Features of the land other than the house. I
15 guess you'd see the -- the infrastructure
16 improvement, like the driveway access to the
17 house and the retaining wall to the, as you're
18 staring at the front of the house, the left
19 side of the house. You would see the lawn,
20 which surrounds much of the house, and a
21 treeline along the -- the north property
22 boundary and a -- a thinner tree line along
23 what's really the eastern property boundary,
24 and a few trees. There's also, we added two
25 or three years after we built the house, a

1 small garden shed in -- toward the back
2 northeast corner of the lot.

3 //

4 BY MR. WILSON:

5 Q. Would you indicate on the drawing the treeline
6 and the garden shed that you just told me
7 about?

8 A. Sure. (Witness complying) So this is the
9 treeline, and then the shed is about -- this
10 is very rough. I hope it meets setback
11 requirements.

12 Q. You are under oath with these drawings, as you
13 know.

14 A. I know. I got a permit for it. Shed.

15 So -- so there's -- there's a -- all
16 right. There's a treeline here, too,
17 although, like I said, it's not as thick.

18 Q. And you mentioned that's a garden shed.

19 Where is your garden located?

20 MS. JOSELSON: Object to the form.

21 A. Okay. The -- the -- there are at least --
22 there's a vegetable garden, which is located
23 near the shed toward the eastern property line
24 here; and then there's a perennial garden
25 located on the southeastern side of the house

1 kind of built into the -- the retaining wall
2 structure. And there's a couple of annual
3 beds that are located next to the driveway.

4 BY MR. WILSON:

5 Q. Would you indicate those on the drawing,
6 please?

7 A. Sure. (Witness complying) Let's see.
8 Vegetable garden.

9 There's also -- there's also a row of
10 hostas along the back side of the house.

11 Q. That's --

12 A. I don't -- I don't usually call that a garden.

13 Q. Are there any physical structures on this lot,
14 other than what you've described? Any olympic
15 swimming pool?

16 A. No.

17 Q. No? Okay.

18 A. Nothing.

19 Q. And the final page of this, I believe, is a
20 picture of the front elevation of your -- your
21 home.

22 A. Yes.

23 Q. Can you tell me if anything's changed since
24 this drawing was done about the front
25 elevation of your home?

1 A. The -- yeah, the thing that -- well, the one
2 thing that's noted on the -- the right-hand
3 side there is that the -- the size of the
4 screened-in porch was reduced slightly, as is
5 noted on the plan. And the other thing that
6 changed is -- that's -- the design of the
7 garage door has changed slightly.

8 Q. Were they -- are they now doors that go up
9 instead of to the side. Is that the
10 difference or --

11 A. Well, I think that -- that this -- this --
12 this design showed doors with kind of a lot
13 more architectural detail. We have a more
14 standard designed garage door now, although it
15 still has the -- the windows along the --
16 across the top, but it doesn't have the --
17 those architectural elements in it.

18 MR. WILSON: Okay. Would you mark this
19 as Exhibit 4, please?

20 (Deposition Exhibit No. 4 was marked for
21 identification.)

22 THE WITNESS: Thank you.

23 BY MR. WILSON:

24 Q. The court reporter has handed you what's been
25 marked as Exhibit 4 to your deposition.

1 Can you tell me what this is?

2 A. This is an appraisal of our home.

3 Q. And the date is February 9th, 2010, on the
4 front page; is that correct?

5 A. That's correct.

6 Q. And can you tell me why this appraisal was
7 completed?

8 A. This appraisal was completed to -- in support
9 of a mortgage refinancing that we did at the
10 time.

11 Q. So if you'll turn to page -- it's marked as
12 Sull-Add2-0018. It's the first page where
13 there are pictures.

14 A. (Witness complying) Yeah.

15 Q. Are these pictures of your home that were
16 taken at the time of the appraisal?

17 MS. JOELSON: Object.

18 A. I -- I would assume so.

19 BY MR. WILSON:

20 Q. And on that page there -- is there anything in
21 those photos that is different now than at the
22 time these photos were taken?

23 A. I -- I think there -- there's a couple things.
24 One, I believe that the photo shows the -- at
25 the time that the driveway was still a gravel

1 driveway, and it's been paved since then; and
2 the -- again the photovoltaic panels I don't
3 believe show on that. So they must have been
4 added later.

5 Q. And the -- first would you indicate on the
6 drawing that the driveway's been paved?

7 A. Oops, yes.

8 Q. Sorry to make you keep putting your glasses
9 on.

10 A. Well, that's -- that's --

11 Q. We'll be done with the --

12 A. -- that's me. Driveway now paved. Okay.

13 Q. And we'll be done with the artistic portion of
14 this deposition soon, I promise.

15 A. Okay.

16 Q. Also, I see in that photo where you marked
17 driveway paved, on the left side of the house,
18 there's something in the lawn. I can't tell
19 what it is. Looks like there's two
20 rectangular objects?

21 A. Yes.

22 Q. Can you tell me what those are?

23 A. Sure. Those are -- those are solar thermal
24 panels associated with our hot water system.
25 They -- they were built at the time the house

1 was built.

2 Q. And they're still there?

3 A. Yes, they are.

4 Q. Okay. Would you indicate those -- that on the
5 panel, what those are?

6 A. Mm-hmm. (Witness complying)

7 Q. If you turn to the following page. Anything
8 that has changed about the property since
9 these photos were taken?

10 A. Yes, slightly. So in -- in addition to the --
11 the PV panels that we mentioned earlier, we
12 added a -- a little dog pen, a little dog run,
13 that's located kind of next to the house and
14 the porch. And although it's not really clear
15 on the photo, that second photo, I'm pretty
16 sure that what is showing there, the deck
17 steps are wood, and we replaced those with
18 concrete steps.

19 Q. Would you indicate the dog run in the drawing,
20 as best as you can?

21 A. Yeah. (Witness complying)

22 Q. If you turn to the next page.

23 A. (Witness complying)

24 Q. Are these pictures of the interior of your
25 home?

1 A. Yes.

2 Q. And anything, other than furnishing decisions,
3 anything changed about these photos since the
4 time they were taken?

5 A. No.

6 Q. The appliances in there, are those stainless
7 steel appliances?

8 A. Yes.

9 Q. Would you indicate that?

10 A. (Witness complying)

11 Q. Are the countertops granite countertops or --

12 A. Yes.

13 Q. Would you also note that?

14 A. (Witness complying)

15 Q. And I'm sorry I'm getting into such small
16 detail here, but my wife and I just renovated
17 a home, too, so we're -- we're thinking about
18 all this stuff.

19 A. Are the -- are the cabinets all plywood
20 cabinets, or can you tell me anything in
21 particular about their construction?

22 MS. JOELSON: Object.

23 A. The -- the cabinets are -- are -- are plywood
24 constructed with solid oak on the -- for all
25 the doors.

1 By MR. WILSON:

2 Q. Would you write an indication for that on the
3 drawing?

4 A. (Witness complying)

5 Q. The following picture --

6 A. Oh, I should -- I should -- I should clarify
7 on the -- on the cabinets. There are portions
8 of the structure that -- that are composite
9 wood, as well as portions that are plywood.
10 It's not 100 percent plywood.

11 Q. I think I know what you mean. Is it melamine
12 shelves and then plywood frames and then solid
13 wood faces?

14 MS. JOSELSON: Objection.

15 A. I think that's largely correct, yeah. Like I
16 said, it's -- there's plywood structure.
17 There's some -- there's some composite and
18 the -- the door panels and drawers are solid
19 oak.

20 BY MR. WILSON:

21 Q. Well, you and I should talk cabinets some
22 time --

23 A. Okay.

24 Q. -- but thanks for your honesty, too, and the
25 full disclosure.

1 On the following page, these are pictures
2 of a couple of your bathrooms; is that
3 correct?

4 A. Yes.

5 Q. Is that the upstairs bath in the top picture?

6 A. That is the main floor master bath.

7 Q. And is the countertop there granite or is it
8 some other material?

9 A. That's granite.

10 Q. Would you indicate that?

11 A. Mm-hmm. (Witness complying)

12 Q. And is the tile ceramic tile?

13 A. In the -- the shower?

14 Q. Yes.

15 A. Yes. Although we recently renovated the
16 bathroom.

17 Q. Okay. And how have you renovated it?

18 A. The -- we replaced that shower stall with a
19 full bathtub with tile.

20 Q. Would you indicate that in the picture?

21 A. Mm-hmm. (Witness complying)

22 Q. And is it a freestanding tub?

23 A. No. To be -- to be clear, it's a -- it's a --
24 just a bathtub unit. It's not a full height
25 unit, so it's just the bathtub unit, and then

1 the surround --

2 Q. Mm-hmm.

3 A. -- and the wall is all tile.

4 Q. Thank you. And the second picture on that
5 page, what bathroom is that?

6 A. That's the upstairs second-floor bathroom.

7 Q. Is that also granite countertops?

8 A. That's not. That a Formica countertop.

9 Q. Would you indicate that in the picture?

10 A. Sure. (Witness complying)

11 Q. And on the following page, can you tell me
12 whether anything has changed about these
13 pictures?

14 A. Well, on the top one it's less of a mess.

15 Q. You cleaned it up in the last eight years?

16 A. That was probably thrown down there when
17 the -- the dog was -- had free run of that
18 room and was a puppy.

19 Q. But you built the dog run, so now that's taken
20 care of?

21 A. Yes.

22 Q. Okay. Great. Anything else?

23 A. On that -- that -- the second two photos, as
24 well?

25 Q. Yeah, if there's anything else in the second

1 two photos.

2 A. I can't say that there really is, no.

3 Q. And just out of curiosity, since I know what
4 it's like to get an appraisal done, if you
5 take a look at the following two pages of the
6 report that show comparable sales and
7 listings, can you take a quick look at those
8 and tell me if you know any of those houses,
9 if you know the people who live there.

10 MS. JOSELSON: Object.

11 A. No.

12 BY MR. WILSON:

13 Q. Okay. I was hoping one would be David's
14 house.

15 Okay. So I think that concludes probably
16 the artistic portion of this exam. We're
17 going to ask some questions now about your
18 home.

19 Is the -- is your home a wood frame home?

20 A. Yes.

21 Q. And I saw stone facing at the basement level.

22 Is that a facade or is that stone
23 foundation or --

24 A. No. That's -- that's -- that's -- it's --
25 it's real stone, but it's stone facing.

1 Q. And the home has a total of three bedrooms; is
2 that correct?

3 A. It has -- it has two bedrooms on the second
4 floor. It has the master bedroom on the first
5 floor, and then in the finished basement,
6 there is a, as shown on the plans, a bedroom,
7 slash, study, however it might be used. Kind
8 of a flexible room.

9 Q. And is it three baths?

10 A. There are actually -- because -- because
11 people count bathrooms in strange ways --

12 Q. Mm-hmm.

13 A. -- with half baths and three-quarter baths and
14 full baths, so I'll tell you.

15 Q. Okay.

16 A. On the second floor there is a full bath with
17 a tub/shower unit. In the master bath, that
18 is also a full bath with a -- a bathtub/shower
19 unit. And the -- also on the main floor,
20 there is a half bath with just a toilet and a
21 sink, and then in the basement there is a
22 sometimes called a three-quarters bath. It
23 has just a shower instead of a full bathtub.
24 So there is actually four bathrooms.

25 Q. And the total square footage of your home is

1 approximately how much?

2 A. Well, finished space, living space is about,
3 as I recall, about 2200 square feet. Then
4 there is also the -- the screened-in porch,
5 which is another 250 or so or maybe a little
6 less than that, 200 square feet, and then the
7 space in the enclosed basement, garage and
8 utility room.

9 Q. And the home was built, was it 2008?

10 A. Yes.

11 Q. And you purchased it at that time?

12 A. We -- we purchased the -- the lot and then
13 entered into a -- an agreement -- a contract
14 with a construction company to build the
15 house.

16 Q. And I understand you purchased the lot from
17 Blue Heron Construction, and they also did
18 the -- the work; is that correct?

19 A. That's correct.

20 Q. Do you own any other real property besides
21 your home at 35 Asa Way?

22 A. No.

23 Q. So on Asa Way can you tell me how many other
24 homes there are on your block, if block's the
25 right way of saying it?

1 A. On Asa Way, let's see, there's one --
2 there's -- there's -- I'm going to say there's
3 five. The reason I hesitate a little bit is
4 one of the houses is right about on the
5 intersection with Asa Way, Susan Taylor Lane
6 and Royal Street. So I'm not sure technically
7 which street that one's on.

8 Q. Okay. I'm going to be asking in a bit about
9 your neighbors' properties. And when I say
10 your neighbors' properties, let's just for --
11 for the time being, let's say that those five
12 homes are your neighbors' properties so
13 just -- you'll know what I'm talking about
14 when I ask that.

15 Are all those homes on the same size lot
16 or do they -- lot sizes vary?

17 A. The lot sizes vary slightly.

18 Q. Slightly -- can you give me a sense of how
19 much?

20 A. I think that the smallest one might be closer
21 to four-tenths of an acre. Maybe between, you
22 know, a third and four-tenths of an acre. I
23 think -- I think ours is, of the ones that are
24 built -- built on, one of the larger lots.

25 Q. And are the other homes on your street also

1 constructed of wood?

2 A. Yes.

3 Q. Any constructed of brick or stone?

4 A. No.

5 Q. Do you know how many bedrooms the other houses
6 on Asa Way have?

7 A. No.

8 Q. Are the homes from the street roughly the same
9 size as yours?

10 MS. JOSELSON: Object.

11 A. Not all of them.

12 BY MR. WILSON:

13 Q. How many are bigger?

14 A. I don't know.

15 Q. When you say -- when you say not all of them,
16 just tell me what you mean by not all of them.

17 A. Well, there's -- there is -- there is one
18 house, for example, at the curve of the road
19 that's clearly a smaller footprint house than
20 ours. The house that's -- the next two houses
21 up between our house and that one I mentioned
22 appear to be close to the same size as our
23 house, but I really don't know the -- the
24 square footage.

25 Q. And are you close with your neighbors?

1 A. Not particularly. We know them.

2 Q. In terms of the age of those homes, were they
3 built around the same time as your home or
4 before or after?

5 MS. JOSELSON: Object.

6 A. Of the -- the houses I mentioned on Asa Way,
7 two were built before ours, and two were built
8 after ours or three -- three were built after
9 ours.

10 BY MR. WILSON:

11 Q. And are those in relatively recent time, or
12 were these older developments that were built
13 before yours?

14 MS. JOSELSON: Object.

15 A. Relatively recent.

16 BY MR. WILSON:

17 Q. Do I understand that you live in the North
18 Village Subdivision; is that correct?

19 A. Technically that is the name of the
20 development, yes.

21 Q. Okay. And it's a relatively recent
22 development; is that correct?

23 A. Relatively. It was -- it was developed in a
24 couple of stages.

25 Q. Can you describe that to me?

1 A. To the extent that I can, yeah. I mean, I
2 know very little about the history of it; but
3 the first part of the development, the first
4 houses were built along Susan Taylor Lane, and
5 that was largely built out before the -- they
6 finished the improvements to the road and
7 extended it to the -- all the way around Asa
8 Way after -- after Susan Taylor Lane was built
9 out.

10 Q. Are the other homes on your street the same
11 style as yours?

12 MS. JOSELSON: Object.

13 A. On Asa Way?

14 BY MR. WILSON:

15 Q. Yes.

16 A. I'd say no.

17 Q. In the neighborhood are they the same style?

18 A. I would say that there are a variety of
19 styles.

20 Q. And they're mostly newer homes though; is that
21 correct?

22 A. Yes.

23 Q. What other styles would you see represented
24 there?

25 MS. JOSELSON: Object.

1 A. Well, you're -- you're kind of asking me to
2 describe building styles in detail, and I
3 don't know if I'm really qualified to do that,
4 but there's, you know, there's one that's more
5 contemporary style home. There's one that's
6 more of a classic colonial style home. And
7 there's, you know, there's a home that's more
8 of like a modified ranch if you get down to
9 Susan Taylor Lane.

10 Q. That's -- that's extremely helpful. So thank
11 you. You don't need to be an expert witness
12 on architecture.

13 A. Well, that's a good thing.

14 Q. Okay. Do most of the homes on your street
15 have air conditioning?

16 A. I don't know.

17 Q. And the heating system that you have in your
18 home, is it forced air?

19 A. I -- I chuckle because you -- you asked me --
20 well, you -- you do not realize it's a
21 complicated question.

22 Q. Okay.

23 A. But I will happily answer.

24 Q. Please do.

25 A. So I would say that our primary heating system

1 is passive solar --

2 Q. Okay.

3 A. -- because the house is oriented directly
4 along the solar south access with significant
5 solar gain. So probably most of our heating
6 comes directly from solar radiation.

7 The -- the -- the second part of the
8 heating system is a pellet stove, which is
9 located in the -- in the living room, as you
10 see on the plans, which basically heats the
11 house to the extent that the sun doesn't.

12 And then there's a -- a third-level
13 heating system that's a -- a radiant floor
14 heating system that's powered by an oil-fueled
15 Buderus boiler.

16 Q. Okay. That is a complex answer.

17 A. Yeah, sorry about that.

18 Q. No.

19 A. I'm an energy geek.

20 Q. Yeah, well, I'm not surprised that someone of
21 your background has this kind of heating
22 system.

23 But -- so first of all, the -- the solar
24 heating system, is that something that you
25 chose primarily for environmental reasons,

1 primarily for cost reasons or both?

2 A. Absolutely both.

3 Q. Okay. And you said it's the primary system of
4 heat.

5 How much of the year does that -- does it
6 provide the -- as much heat as you need?

7 A. It's -- it's difficult to quantify solar
8 thermal heating, but it depends -- it's more
9 weather dependent than seasonally dependent.
10 On a -- on a sunny day at any time of the
11 year, it provides plenty of heat to heat the
12 house. On an overcast, cool day, it does not.
13 So then the -- the pellet stove goes on.

14 Q. And the pellet stove is -- could it also burn
15 regular wood but you just choose to burn
16 pellets or does it only --

17 A. No.

18 Q. It only burns pellets?

19 A. It only burns pellets.

20 Q. Okay. And the radiant floor heating system --
21 that was an aspiration for our home, but we
22 did not get to it -- you said that's heated by
23 a boiler.

24 Is that a high-efficiency boiler?

25 A. Yes. It's the highest efficiency oil boiler

1 that was available on the market when we built
2 the house.

3 Q. And so it's an oil boiler. Is that because
4 there's -- is there no natural gas service to
5 the home or --

6 A. That -- that would be -- that's true that
7 there's no natural gas service to the home,
8 but that probably wouldn't have been the --

9 Q. Didn't affect your decision making?

10 A. No.

11 Q. So what do you do -- how often do you have to
12 supply oil to the boiler?

13 A. So I would say that that's changed a little
14 bit over time, because our -- when we first
15 moved into the house several of our children
16 were living with us, and there was a little
17 bit more demand on the oil, because it not
18 only heats the space in the house, but it also
19 is a backup to the thermal hot water system.
20 So originally we filled it probably once a
21 year, the oil tank.

22 Q. Mm-hmm.

23 A. And now it's maybe once every 18 to 24 months.

24 Q. And how big is the oil tank?

25 A. It's a -- it's a standard size oil tank, and

1 I'm going to say that's about 250 gallons.

2 Q. Okay. Now, just out of curiosity, because,
3 you know, I used to live in Jersey City, and
4 there all the old homes had big oil tanks, and
5 the oil tanks were more of like an
6 environmental concern that they were buried
7 and you had to dig them up and deal with them.

8 What do you do for your -- your oil tank
9 to make sure that it's environmentally
10 positive rather than an environmental
11 liability?

12 MS. JOELSON: Objection.

13 A. The -- the oil tank is located in the utility
14 room which has a fully enclosed, you know,
15 concrete floor.

16 BY MR. WILSON:

17 Q. So the big mistake with oil tanks is burying
18 them; is that the issue or --

19 MS. JOELSON: Objection.

20 A. Speaking from my -- my experience in
21 brownfield planning, buried underground
22 storage tanks can be a problem.

23 MR. SILVER: We've been going for over an
24 hour. I need to take a break.

25 MR. WILSON: That's fine, yeah.

1 THE VIDEOGRAPHER: Time is now
2 approximately 10:27 a.m. Going off the
3 record.

4 (Brief recess taken.)

5 THE VIDEOGRAPHER: The time is now
6 approximately 10:41. Going back on the
7 record.

8 BY MR. WILSON:

9 Q. Mr. Sullivan, do you know if other homes on
10 your -- in your neighborhood have the same
11 type of heating system that you do?

12 A. No.

13 Q. Would you expect they do? Is that a common
14 kind of heating system?

15 MS. JOELSON: Object.

16 A. So I -- I don't think that any of the homes on
17 the street put the level of emphasis on
18 passive solar heating.

19 As far as oil-based, I wouldn't be
20 surprised if some have oil. Some probably
21 have propane. Some probably have wood. I
22 don't know.

23 BY MR. WILSON:

24 Q. And your air conditioning system, is it a
25 mini-split system or --

1 A. Yes.

2 Q. -- some other kind?

3 A. It's a mini-split.

4 Q. And how many handlers do you have?

5 A. Three.

6 Q. Three. And where are they located?

7 A. In each of the upstairs bedrooms and in the
8 master bedroom.

9 Q. How often do you end up using that?

10 A. Again, that -- you know, it -- it has changed
11 over time because, you know, we don't have --
12 it's just my wife and I now. So currently I
13 would say maybe 15, 20 times a year in the
14 evening. Cool it down.

15 Q. Are there any commercial properties located in
16 North Village?

17 A. No.

18 Q. Any religious institutions?

19 A. No.

20 Q. Any government buildings?

21 A. No.

22 Q. Can you tell me where you lived before you
23 lived on Asa Way?

24 A. Immediately prior?

25 Q. Yes.

1 A. We rented a -- an apartment in a house on
2 South Street in Bennington.

3 Q. And before that?

4 A. Before that I lived at a house on -- on
5 Hollerith Road in Arlington, Vermont.

6 Q. Is Arlington, Vermont, also in Bennington
7 County?

8 A. Yes, it is.

9 Q. So you were with Bennington County Regional
10 Commission at that time?

11 A. Yes.

12 Q. And when did you move from that apartment or
13 that home on Hollerith Road to your apartment
14 on South Street?

15 A. I think it was in the summer of 2008. It was
16 an apartment we rented for a few months while
17 we were -- construction was being completed on
18 our house.

19 Q. And did you live with Miss Addison at
20 Hollerith Road?

21 A. No.

22 Q. Was that your -- your ex-wife that you lived
23 with there?

24 A. For a short period of time.

25 Q. And how long was that period of time?

21 Q. Can you tell me how much you paid for your
22 home?

23 A. Well, again, you know, we paid for the lot and
24 for construction of the home. The total --
25 the total cost between the -- the lot and all

1 the improvements was about \$480,000.

2 MR. WILSON: Can we mark this as
3 Exhibit 5?

4 (Deposition Exhibit No. 5 was marked for
5 identification.)

6 BY MR. WILSON:

7 Q. The court reporter has handed you what's been
8 marked as Exhibit 5 to your deposition.

9 Can you tell me what this is.

10 A. Let's see, this looks like an e-mail from Blue
11 Heron Construction to me that details some of
12 the final adjustments on the construction and
13 a request for a cash disbursement.

14 Q. And so it says total contract cost A plus B
15 equals 396,102.75. And that's a handwritten
16 note.

17 Did I read that correctly?

18 A. Yes.

19 Q. Is that the initial cost of construction?

20 A. That -- that -- that is the -- the contract
21 cost, which was \$377,000, our initial contract
22 with Blue Heron, plus the sum of the
23 adjustments that are indicated in this e-mail.

24 Q. And you mentioned the total cost that you've
25 paid now is about 480,000?

1 A. That's correct.

2 Q. And so the difference between the 396 and the
3 480,000, what is that?

4 A. Well, the -- the largest share would be the
5 cost of the lot, which isn't included in the
6 construction cost, which was about \$60,000.

7 Q. And the remainder?

8 A. The additional items would be things that --
9 included things like the driveway paving, the
10 solar photovoltaic panels, the garden shed.
11 I'm not sure if there were a couple other
12 minor improvements.

13 Q. And how did you finance the purchase of your
14 home?

15 A. We -- a mortgage.

16 Q. And do you know approximately how much you put
17 down?

18 A. The initial down payment I don't recall.

19 Q. Do you know -- or withdraw that question.

20 Have you obtained a home equity line of
21 credit since that time?

22 A. No.

23 Q. But you have refinanced your home?

24 A. Yes.

25 Q. Have you refinanced it twice?

1 A. Yes.

2 Q. And you produced the two appraisals that you
3 received in connection with that refinance to
4 your attorneys; is that correct?

5 A. I -- I was able to locate two appraisals, and
6 I -- I believe they were both associated with
7 the refi -- refinancing. The -- there was --
8 you know, there was obviously another
9 appraisal associated with construction. I
10 didn't have that. I think that's the one I
11 didn't have.

12 Q. And we covered a lot of the details for your
13 home in -- when we were marking on the
14 exhibits, but if you could give me some more
15 details about it.

16 Is your yard predominately grass?

17 A. Predominately, yes.

18 Q. Do many of your neighbors have fences around
19 their yards?

20 A. No.

21 Q. Are most of them covered with grass?

22 A. Most -- most of the houses in the neighborhood
23 have grass lawns. I can't say that most of
24 their individual lots are grass-covered. I
25 don't know that.

1 Q. I'd like to ask you a few questions now about
2 the -- the well on your property.

3 Can you tell me where on your property
4 the well is located?

5 A. Sure. The -- the well is located toward the
6 rear of the lawn and toward the north and east
7 part of the property.

8 Q. Could you turn back to the exhibit that we had
9 previously that shows the overhead view? And
10 would you make an indication on that where
11 your well is located?

12 A. Sure. (Witness complying)

13 MS. JOSELSON: And just for the clarity
14 of the record, you're looking at Exhibit 3, is
15 that correct, and what page are you turning
16 to?

17 THE WITNESS: Exhibit 3 is the two,
18 three, four, five -- the seventh page.

19 MS. JOSELSON: And is there a Bates
20 stamp?

21 THE WITNESS: Oh, yes. Sull-Add6-0008.

22 MS. JOSELSON: Okay. Thanks.

23 BY MR. WILSON:

24 Q. Thank you. Do you know how deep the well
25 goes?

1 A. I recall that they had to go about 520 feet
2 deep.

3 Q. Was it drilled at the time that your home was
4 built?

5 A. It was -- it was drilled as the -- basically
6 the first part of construction. Well, just
7 prior to the home being built, yeah.

8 Q. And for us city boys, is 520 feet, is that a
9 pretty deep well?

10 MS. JOSELSON: Object.

11 A. That's -- that's a -- that's a relatively deep
12 well. There are wells that are deeper. There
13 are many that are shallower.

14 BY MR. WILSON:

15 Q. Can you tell me about the construction of the
16 well?

17 A. Really not a -- a well drilling expert. It's
18 a -- it's a drilled well with -- with casing
19 where there's not bedrock.

20 Q. What maintenance have you performed on your
21 well on a routine basis?

22 MS. JOSELSON: Objection.

23 A. None.

24 BY MR. WILSON:

25 Q. Have you done the bacteria test that's

1 recommended?

2 MS. JOELSON: Objection.

3 A. I don't believe we've had a bacteria test
4 done.

5 BY MR. WILSON:

6 Q. Do you know now frequently you've had that
7 done?

8 A. No, we haven't -- we haven't had a bacteria
9 test done.

10 Q. Oh, I'm sorry. You said you -- you haven't
11 had it done?

12 A. Right.

13 Q. Misheard. Have you done any maintenance to
14 the pump or expansion tank?

15 A. No.

16 Q. Do you know whether maintenance is recommended
17 to your well?

18 MS. JOELSON: Objection.

19 A. No.

20 BY MR. WILSON:

21 Q. Prior to January 2016, did you ever consider
22 seeking to connect your property to municipal
23 water?

24 A. No.

25 Q. Why not?

1 A. There would -- there would have been no need
2 to connect to municipal water because we felt
3 that we had a -- a clean water supply.

4 Q. Do you know if there would have been a cost to
5 connect to municipal water?

6 A. I don't -- I don't know, but I assume there
7 would have been a cost.

8 Q. And are you now seeking to have your property
9 connected to the municipal water?

10 A. Yes, we are.

11 Q. Do you know when that's scheduled to occur?

12 A. No.

13 Q. Do most of the other properties in your
14 neighborhood also use private wells?

15 MS. JOELSON: Objection.

16 A. In -- in the neighborhood that includes the
17 Susan Taylor Lane and Asa Way, yes. The lower
18 part of the neighborhood, if you would call it
19 that, Royal Street, is on municipal water.

20 BY MR. WILSON:

21 Q. Do you happen to know how deep those wells
22 are?

23 A. No.

24 MS. JOELSON: Objection.

25 THE WITNESS: Oh, sorry.

1 BY MR. WILSON:

2 Q. Do you know if any of your neighbors have
3 barns?

4 A. Not on their properties.

5 Q. Do they have tool sheds?

6 A. I -- I have to say I -- I've never -- I've
7 never done a survey, but I -- I think I can
8 recall one or two small garden sheds like we
9 have.

10 Q. Would you say in general that the way your
11 neighbors have done their -- their lawns, is
12 it similar or different landscaping to yours?

13 MS. JOELSON: Objection.

14 A. I don't -- I don't know if I could really
15 characterize it. I mean, there -- there, you
16 know, lawns with some ornamental plantings and
17 mature trees.

18 BY MR. WILSON:

19 Q. Is there a home that's directly across the
20 street from yours?

21 A. No.

22 Q. Are there homes directly next door to yours on
23 either side?

24 A. Both of the -- the lots on either side of us
25 and across the street from us are empty.

1 Q. Just out of curiosity, do you know why that
2 is?

3 A. No. Other than the rather obvious fact that
4 no one's built on them.

5 Q. Can you tell me about the -- the soil at your
6 home? Is it -- is it clay, is it sandy,
7 rocky, soft dirt, something else?

8 A. It's -- it's primarily a sandy loam.

9 Q. And can you tell me about the foundation your
10 home sits on; is it -- what's it made out of?

11 A. It's poured concrete foundation.

12 Q. Do you have a septic tank on-site?

13 A. No.

14 Q. So are you connected to the public sewer then?

15 A. Yes.

16 Q. Do you have any power lines buried beneath
17 your land?

18 A. Yeah. There's -- there's underground electric
19 service to the house.

20 Q. Have you ever had any occasion to dig in your
21 yard?

22 MS. JOELSON: Objection.

23 A. Yes.

24 BY MR. WILSON:

25 Q. Okay. When you dig, do you tend to hit a lot

1 of roots or rocks?

2 A. I hit, I would say, hit some modest size
3 stones. Not many roots, no.

4 Q. About how big would you say the stones are?

5 A. I would say the average stone size would
6 probably be about the size of a grapefruit.

7 Q. Since you purchased the home -- I think I know
8 the answer to these questions, but I got to
9 ask them -- have you had to replace the roof?

10 A. No.

11 Q. Have you had to replace the siding?

12 A. No.

13 Q. Have you had to repaint?

14 A. No.

15 Q. Have you replaced your windows?

16 A. No.

17 Q. When you did the solar panels, did you install
18 those yourself or did you pay someone to do
19 it?

20 A. The photovoltaic panels?

21 Q. Yes.

22 A. We paid someone to do that.

23 Q. And I understand that the stone facing that's
24 on your -- the facade, that was something that
25 was installed after you purchased the home; is

1 that correct?

2 A. No.

3 MS. JOELSON: Objection.

4 THE WITNESS: Sorry.

5 A. That was -- that was -- that was done during
6 construction of the home.

7 BY MR. WILSON:

8 Q. Was it an add-on or something like that or --

9 MS. JOELSON: Objection.

10 A. By add-on you mean?

11 BY MR. WILSON:

12 Q. Add-on to the original contract price or the
13 original scope of work?

14 A. No. The -- the portion of that project that
15 was included in the original contact --
16 contract price was the cost of the stone. I
17 did the installation myself.

18 Q. So for the improvements that you've done at
19 the home, whether it's the -- the dog run, the
20 stone -- the stone facing, et cetera, do you
21 typically do those yourself?

22 MS. JOELSON: Objection.

23 A. So I wouldn't say -- say typically, because I
24 think you just named --

25 BY MR. WILSON:

1 Q. A couple examples?

2 A. All --

3 Q. It's an unfair question.

4 A. Yeah, most of them.

5 Q. Okay. Yeah, so those improvements did you do
6 yourself?

7 A. The dog -- the dog run and the -- and the
8 stone facing, yes, I did those myself.

9 Q. Did you do the tool shed yourself?

10 A. No.

11 Q. Did you do the landscaping yourself?

12 A. I did some landscaping myself.

13 Q. Did you do the retaining wall yourself?

14 A. No.

15 Q. So you talked earlier about how you remodeled
16 your master bathroom recently.

17 Are there any other rooms that you have
18 remodeled since you bought the home?

19 A. No.

20 Q. Have you repainted any rooms in the house?

21 A. Just touch-up paint.

22 Q. Have you refinished the floors?

23 A. No.

24 Q. For the improvements that you've done after
25 the construction of the home, how did you

1 finance them?

2 A. We -- we basically paid cash for any
3 improvements.

4 Q. I understand that you don't have any carpet in
5 your home, do you?

6 A. No.

7 Q. Can you tell me if you have homeowners
8 insurance?

9 A. Yes.

10 Q. How many policies?

11 A. One.

12 Q. Who's your insurer?

13 A. We get our insurance through Wills Insurance
14 locally. It's part of the Richards Group now.

15 Q. Is that the -- the broker or is that --

16 A. That's the broker.

17 Q. Okay. Do you know who the carrier is?

18 A. That's a -- that's good because we have -- we
19 have Safeco policy for auto and Cincinnati for
20 life, and one of the other of those is
21 combined with our homeowners. I think it's
22 Safeco, to tell you the truth.

23 Q. Okay. Do you happen to know how much you pay
24 in terms of annual premium for insurance?

25 MS. JOELSON: Objection.

1 A. I think it's approximately \$1,300.

2 BY MR. WILSON:

3 Q. And do you know if there's any specific
4 exclusions from coverage?

5 MS. JOELSON: Objection.

6 A. I don't know.

7 BY MR. WILSON:

8 Q. Do you know what the total insured value of
9 your home is?

10 A. I believe it -- that we just got an adjustment
11 to that, and I think -- I think it was -- it
12 was either 460,000 or \$480,000.

13 Q. And is that a replacement cost valuation?

14 A. Yes.

15 Q. Did the insurance company make an actual value
16 estimation of your home value?

17 MS. JOELSON: Objection.

18 A. I'm not sure what the insurance company did,
19 other than send us a bill.

20 BY MR. WILSON:

21 Q. So you're unaware of any value that the
22 insurance company has placed on your home,
23 other than the \$460,000 replacement cost
24 valuation?

25 MS. JOELSON: Objection.

1 A. That's true.

2 //

3 BY MR. WILSON:

4 Q. Is your home currently for sale?

5 A. No.

6 Q. Have you tried to sell your home in the past?

7 A. No.

8 Q. Do you have any present plans to sell your
9 home?

10 A. No.

11 Q. Why not?

12 A. We have no plans to sell the house because we
13 are currently living in the house and have no
14 plans to move at the present time.

15 Q. What circumstances would lead you to sell your
16 home?

17 MS. JOELSON: Objection.

18 A. The only thing that, you know, we contemplated
19 over time when we built the house was at some
20 point, you know, when we retire, we might want
21 to downsize and move to another home
22 somewhere.

23 BY MR. WILSON:

24 Q. What would -- what would downsizing be?

25 MS. JOELSON: Objection.

1 A. Probably just, you know, moving to a smaller
2 home somewhere.

3 BY MR. WILSON:

4 Q. Would you move somewhere else in Bennington or
5 somewhere else altogether?

6 A. Great question. I have no idea.

7 MR. WILSON: I would like to mark this as
8 Exhibit 6.

9 (Deposition Exhibit No. 6 was marked for
10 identification.)

11 BY MR. WILSON:

12 Q. The court reporter has handed you what's been
13 marked as Exhibit 6 to your deposition. I see
14 you got a nice chuckle out of seeing this.

15 A. Mm-hmm.

16 Q. Can you tell me what this is?

17 A. This is an e-mail from me to my wife regarding
18 a -- a house -- a real estate listing in
19 Camden, Maine.

20 Q. And it says in the last line, time to quit our
21 jobs and move. Oh, we have to sell our PFOA
22 house first, exclamation mark.

23 A. Mm-hmm.

24 Q. Did I read that correctly?

25 A. Yes.

1 Q. Were you considering moving to Maine?

2 A. No. We've never seriously considered moving
3 to Maine.

4 Q. Do you recall seeing this listing, and what
5 made you send it to your wife?

6 A. Sure. I -- I -- I get real estate listings
7 from time to time that just kind of float
8 through, you know, those e-mails and home
9 pages like everybody does. So, yeah, so I
10 said, oh, there's -- Camden's a cool town.
11 Maybe we should move there, in an offhanded
12 sort of way, yeah.

13 Q. Did you take any action having seen that
14 listing to try to sell your home or --

15 A. Oh, no.

16 Q. Do you and your wife joke about PFOA when you
17 talk to each other?

18 MS. JOELSON: Objection.

19 A. I wouldn't say that we ever, you know, talk
20 about PFOA in a -- in a joking way, other than
21 what you see on this -- this, you know, this
22 glib e-mail.

23 MR. WILSON: I'd like to mark this as
24 Exhibit 7.

25 (Deposition Exhibit No. 7 was marked for

1 identification.)

2 THE WITNESS: Thank you.

3 BY MR. WILSON:

4 Q. The court reporter has handed you what's been
5 marked as Exhibit 7 to your deposition.

6 Can you tell me what this is?

7 A. This looks like a page from probably my
8 Facebook site?

9 Q. I'll represent to you that this is a printout
10 of your public Facebook profile.

11 A. Okay.

12 Q. And it's a big document, but I just have, I
13 think, one question about it.

14 A. Sure.

15 Q. If you'll turn to page 17?

16 A. (Witness complying) Okay.

17 Q. See a post that you made. It says Grinold,
18 Jepson & Colvin: Rural economy is alive and
19 kicking - VT Digger. And Doug Sacra comments
20 on the post: Makes you want to be part of
21 some great development project in Vermont.
22 Let me know if you have something in mind for
23 a super green architect from Massachusetts
24 that likes old buildings and old industrial
25 downtowns.

1 Did I read that correctly?

2 A. Yes.

3 Q. And then you commented to -- or you replied to
4 Doug Sacra's comment, come visit Bennington.
5 I'll give you a tour of a great redevelopment
6 site.

7 Did I read that correctly?

8 A. Yes.

9 Q. Can you tell me, did you have a specific
10 redevelopment site in mind when you made that
11 comment?

12 A. I had a couple in mind probably, I think, when
13 I was talking to Doug Sacra, who is an old
14 college friend of mine.

15 Q. And what sites would those be?

16 A. The -- the Putnam Block Project in the
17 downtown and the -- the former Tuttle Hardware
18 lot on Depot Street.

19 Q. And can you tell me a little bit about those
20 sites and why they're -- you think they're
21 good redevelopment sites?

22 MS. JOELSON: Objection.

23 A. Well, the Putnam -- the so-called Putnam
24 property is currently the subject of
25 redevelopment offered by a group called the

1 Bennington Redevelopment Group, and there's
2 been a lot of local interest in investment
3 in -- in that property because it's at the
4 center of the downtown. And some people in
5 our office are actively on -- working on that
6 redevelopment project.

7 And, you know, my -- my -- my friend
8 there, much -- who I haven't seen in probably
9 over 20 years, you know, is -- is apparently
10 interested in -- in redevelopment projects.

11 The Tuttle -- the Tuttle property is just
12 a -- a vacant lot near the center of town that
13 would seem to have a lot of redevelopment
14 potential.

15 BY MR. WILSON:

16 Q. And do you recommend that people come to
17 Bennington to try to develop or redevelop it?

18 MS. JOELSON: Objection.

19 A. I would say that other than talking to my --
20 my friend Doug through these -- these posts, I
21 haven't -- I haven't gotten involved in -- in
22 marketing Bennington.

23 BY MR. WILSON:

24 Q. Mm-hmm. Any reason why not?

25 A. It's not what I do.

1 Q. Are you personally passionate about it?

2 A. Personally passionate about what?

3 Q. About marketing Bennington for redevelopment.

4 A. No --

5 MS. JOSELSON: Objection.

6 A. -- I wouldn't say that. I'd say, you know, I
7 have a -- an interest as part of my job with
8 the Regional Planning Commission in seeing
9 successful economic development in our region.

10 BY MR. WILSON:

11 Q. Do you think there are good opportunities for
12 redevelopment in Bennington?

13 MS. JOSELSON: Object.

14 A. I think that there's some potential
15 opportunities for redevelopment in Bennington.

16 BY MR. WILSON:

17 Q. What do you think is good about Bennington
18 that makes it have good opportunities for
19 redevelopment?

20 MS. JOSELSON: Objection.

21 A. Well, one of the -- one of the interesting
22 things about Bennington is its geographic
23 location, proximity to -- to population
24 centers and access in the southwestern corner
25 of Vermont. So there's -- there's -- mostly

1 there's some good potential there. And then
2 there's some good synergies with some of the
3 nearby regions like the Berkshires in
4 Massachusetts. And, you know, there's
5 relatively convenient access to a lot of
6 outdoor recreation areas like the Green
7 Mountain National Forest.

8 BY MR. WILSON:

9 Q. Have you ever attempted to lease or rent out
10 your home?

11 A. No.

12 Q. Do you have any training or experience in real
13 estate appraisal?

14 A. No.

15 Q. Have you ever appraised your own property?

16 MS. JOELSON: Objection.

17 A. No.

18 BY MR. WILSON:

19 Q. Have you ever appraised any property?

20 A. No.

21 Q. Do you have any training in real estate sales?

22 A. No.

23 Q. Have you ever estimated the list price for a
24 property?

25 A. I'm -- I don't really know what that is. You

1 mean like a formal --

2 Q. The asking price for the property; have you
3 ever estimated that?

4 MS. JOSELSON: Objection.

5 A. For my property or --

6 BY MR. WILSON:

7 Q. For any property.

8 A. No.

9 Q. Have you ever listed or sold a property?

10 A. You -- you mean as -- as a professional real
11 estate -- real estate professional?

12 Q. First that, yes.

13 A. No.

14 Q. Have you ever listed or sold a property as a
15 homeowner?

16 A. I -- I listed my house in Arlington for sale
17 by owner for a while.

18 Q. Did it ultimately sell through for sale by
19 owner?

20 A. No.

21 Q. Did you use a realtor to sell that?

22 A. So the -- the initial contact was made through
23 my -- my for-sale-by-owner listing but the --
24 the ultimate -- ultimately the buyer worked
25 through the real estate agent. We had a

1 separate listing with the real estate agent.

2 Q. Have you ever used your home, either your
3 current home or your former home as collateral
4 for a home equity line?

5 MS. JOSELSON: Objection.

6 A. Not our current home, and I can't -- I can't
7 recall if we ever had a home equity loan with
8 the -- with the Arlington house.

9 BY MR. WILSON:

10 Q. Have you allowed any others, such as family
11 members, to use your home as collateral for a
12 loan?

13 A. No.

14 Q. Has a real estate sales agent or broker ever
15 estimated the market value of your home?

16 A. No. Well -- no. I was trying -- I was trying
17 to think if -- if anyone had done an estimate
18 on it before we built the house, a real -- a
19 real estate agent, but I don't believe anyone
20 did.

21 Q. Has a real estate agent or broker ever given
22 you their opinion on a list price for your
23 home?

24 A. No.

25 Q. Are you aware of the tax assessed value of

1 your home at this time?

2 A. Approximately.

3 Q. That value was the same both before and after
4 the discovery of PFOA in Bennington; is that
5 correct?

6 MS. JOELSON: Objection.

7 A. I believe that's correct.

8 BY MR. WILSON:

9 Q. Did you ever challenge the tax assessor's
10 valuation of your home because of the presence
11 of PFOA?

12 A. No. I, you know, I talked with the municipal
13 assessor about it.

14 Q. Have you ever challenged the tax assessor's
15 value of your home for any reason?

16 A. No.

17 Q. I understand from recent discovery responses
18 that have been served on your behalf -- and
19 I'm happy to pull them out and we can look at
20 them if you'd like -- but I understand that
21 you have come up for -- with an estimate of
22 the value of your home without PFOA in it.

23 MS. JOELSON: Object --

24 BY MR. WILSON:

25 Q. Can you tell me how you came up with that

1 estimate?

2 MS. JOSELSON: Object to form.

3 A. Sure. Well, we -- you know, I know -- I know
4 my house and know what went into the house.
5 I -- I know that, you know, we have over
6 \$480,000 into it. We know -- you know, we
7 know the area, we know the quality of the
8 construction of the house and the -- the
9 quality of the -- the lot and the location
10 where it is. And so it is largely based on
11 that and a knowledge of the, you know, the
12 community.

13 BY MR. WILSON:

14 Q. And so you came up with an opinion of the
15 value of your home both without PFOA and an
16 opinion of the value of your home with PFOA;
17 is that correct?

18 A. That's correct.

19 Q. Did you research or analyze any market data to
20 develop those opinions?

21 A. Did not do market research, no.

22 Q. Did you arrive at those opinions on your own
23 or through consultation with another person?

24 A. I arrived at those on my own.

25 Q. Did you consult your wife?

1 A. Yes.

2 Q. Shifting gears a little bit. You mentioned
3 that you have a vegetable garden at your home?

4 A. Yes, we do.

5 Q. And I understand that you've made changes to
6 that garden based on the presence of PFOA; is
7 that correct?

8 A. Yes.

9 Q. Can you tell me what changes you made?

10 A. Sure. We -- we no longer plant any vegetables
11 in the native soil. We constructed eight
12 raised beds and imported soil to fill those,
13 and I have to -- I have to say we -- we don't
14 grow many vegetables in them anymore. Like,
15 you know, sunflowers and things like that.

16 Q. Did you use them for a lot of vegetables
17 before the discovery of PFOA?

18 A. We -- we -- we had -- you know, I mean, it
19 wasn't a farm, but, you know, we had -- we had
20 quite a variety of vegetables.

21 Q. Did anyone tell you that it was necessary for
22 your safety to not use the soil at your home
23 for growing of vegetables?

24 A. There -- there was -- there was a fair bit of
25 information from the state on what you should

1 and shouldn't do and what, you know, various
2 research findings were on crops grown in PFOA
3 contaminated soils. But, you know, they --
4 they didn't give any clear specific guidance.
5 We just -- we just felt -- we felt more
6 comfortable.

7 Q. Does the fact that you grow less in your
8 garden now have anything to do with the fact
9 that there's PFOA -- that there was PFOA
10 there?

11 MS. JOSELSON: Objection.

12 A. Yeah.

13 BY MR. WILSON:

14 Q. But if -- just so I'm understanding correctly,
15 if you brought new soil in that doesn't have
16 PFOA in it, why do you not grow as much as you
17 used to?

18 A. Well, it's -- like I said, it's -- it's more
19 of a -- of a -- of a feel thing. You know, my
20 wife really wasn't -- wasn't comfortable with
21 the -- the amount that we were growing before
22 and even with the raised beds. So we still --
23 we still do grow some things. Not as much.

24 Q. And when you did grow, was it primarily for
25 your own use?

1 A. Primarily. My -- actually my -- my wife used
2 a lot of the zucchini and cucumbers and
3 peppers and onions to make relish that she
4 gave away to other people.

5 Q. You have a side business as a farmer?

6 A. No.

7 Q. So you described the change in your use of
8 your property based on the presence of PFOA,
9 that you've now got these raised vegetable
10 beds.

11 Have there been any other changes in how
12 you use your property since the discovery of
13 PFOA?

14 A. So I -- I think -- I think that that goes to a
15 couple things. You know, we certainly changed
16 the way that we get and use water at the
17 property, which is a significant change in the
18 way we've lived there. We, you know, we use
19 water in jugs and -- and bottles that are
20 delivered that we have to, you know, haul
21 around the house when we want to consume water
22 or anything that we make with water.
23 That's -- that's certainly one thing.

24 And then there's also -- there's also
25 just the -- the overall general sense of

1 comfort and enjoyment of the property that,
2 you know, prior to the discovery of PFOA was,
3 you know, rather our -- our -- kind of like
4 our dream home and -- and things were --
5 everything that we did at the house was really
6 seen in a -- in a positive context. And
7 that's -- that -- that -- just kind of the
8 feeling that -- that comfort and level of
9 comfort and pleasure of the house has been,
10 you know, changed than what we are living in
11 the house now.

12 Q. Anything else?

13 A. No.

14 Q. And --

15 A. Nothing that I can think of at the moment.

16 Q. -- when you -- when you talked about how you
17 used bottled water, do you still use bottled
18 water now that the POET's been installed?

19 A. Yes, I do.

20 Q. Is it your understanding that the POET has
21 removed PFOA from the water?

22 A. That -- when it's been tested, the POET -- the
23 findings have been that the POET system has
24 been removing the PFOA.

25 Q. And what's your reason for continuing to use

1 bottled water?

2 A. Well, there's -- there's a few things about
3 the -- primarily about the -- the POET system
4 itself. There's one, it's only tested every
5 few months so that you know, once it's been
6 tested, that the water is okay. You don't
7 know on a day-to-day basis that the system is
8 still functioning adequately. And we've had
9 some problems with the POET system.

10 At one point there was a malfunction in
11 the ultraviolet light system that kills the --
12 the pathogens that are known to grow in the
13 carbon filters, and so Culligan had to bypass
14 that until they would get a new part.

15 So we did not feel that was -- that's the
16 kind of thing that could go wrong. We don't
17 want to be, you know, consuming these
18 pathogens that might grow on the carbon
19 filters.

20 And, you know, a while ago an alarm went
21 off on the system, and I called Culligan to
22 find out, you know, what the cause of that
23 alarm was, and -- and they said, oh, that just
24 means that the filters are -- are supposed to
25 be replaced.

1 And -- and I asked, you know, when they
2 were going to be replaced.

3 And she said, oh, probably later this
4 month.

5 And so those are the kinds of things that
6 raise concerns with the -- with the POET
7 system.

8 Q. Now, the -- the maintenance -- withdraw that
9 question.

10 So this ultraviolet bypass, is that the
11 correct name for it or did I --

12 A. Well, it's a -- it's a -- it's a UV light, has
13 a tube that the water goes through and the UV
14 light, I guess, kills the -- it's supposed to
15 kill the -- anything that -- that is picked up
16 from the carbon filters.

17 Q. Oh, and I'm sorry, and they had to bypass that
18 when it was malfunctioning?

19 A. Yes.

20 Q. Okay. And I think you -- I saw somewhere in
21 your discovery responses that there had been a
22 malfunction with the POET that had caused some
23 damage to your drywall?

24 A. Oh, so -- so there -- there was -- there was a
25 malfunction. That was associated with that.

1 There was -- there was leak -- there was leaks
2 there. I don't know if it was actually
3 drywall, but there was some damage to
4 that whatever was along the wall that it
5 leaked onto. I can't say that that was
6 drywall.

7 Q. Okay. And so that was the same problem as
8 the --

9 A. Yes.

10 MS. JOSELSON: Let him --

11 THE WITNESS: Oh, I'm sorry. I forgot
12 rule one. Yes.

13 BY MR. WILSON:

14 Q. You know where I'm going. But that was the
15 same problem as the ultraviolet --

16 A. Yes.

17 Q. -- filter?

18 And did you have to pay to fix the
19 ultraviolet filter?

20 A. No.

21 Q. Did you have to pay to fix any damage to your
22 wall?

23 A. No.

24 Q. Do you know how much it cost to fix --

25 MS. JOSELSON: Objection.

1 BY MR. WILSON:

2 Q. -- the damage to your wall?

3 A. No. The wall is as the wall was.

4 Q. Do you know how much it cost to fix the
5 ultraviolet filter?

6 A. No.

7 Q. Do you know how a prospective home buyer would
8 view the fact that you have a POET system in
9 your home?

10 MS. JOSELSON: Objection.

11 A. Do I know how a prospective homeowner?

12 BY MR. WILSON:

13 Q. Yes.

14 A. No. And I answer -- I answer that way because
15 you're asking about a prospective homeowner,
16 and different homeowners might respond -- or
17 potential buyers might respond differently.

18 Q. Would a connection to municipal water affect
19 your belief about the valuation of your home?

20 MS. JOSELSON: Object.

21 A. Yes.

22 BY MR. WILSON:

23 Q. How would it affect it?

24 A. It would -- it would -- it would improve
25 the -- the value of the home from its current

1 condition.

2 Q. And why is that?

3 A. Because at the present time, the water that
4 comes into the house is contaminated with
5 toxic chemical, and the municipal water supply
6 connection would -- would address that
7 particular concern.

8 Q. Do you believe that -- let me withdraw that.

9 You've described the value of your home
10 that you believe it has without PFOA and the
11 value that it has with PFOA.

12 If the home was connected to municipal
13 water, do you believe that that brings its
14 value up to the value without PFOA?

15 A. No.

16 Q. Why not?

17 A. Well, because that addresses one concern
18 with -- with providing potable water to the
19 house. It -- it doesn't address the broader
20 contamination issue that the -- that the
21 entire area remains contaminated with PFOA.

22 Q. Would you stop using bottled water if your
23 home was connected to municipal water?

24 A. Yes.

25 Q. Can you describe any general community

1 amenities that enhance the value of your home?

2 MS. JOSELSON: Objection.

3 A. Community amenities that enhance the value of
4 the home?

5 BY MR. WILSON:

6 Q. Yes.

7 A. By community you mean public or just things
8 located in the area?

9 Q. Either -- either one.

10 MS. JOSELSON: Same objection.

11 A. Well, I -- I would say that, you know, the
12 open space and -- and adjacent Bennington
13 College is an amenity that's attractive. I'd
14 say some of the facilities in the village of
15 North Bennington where the property is located
16 such as the -- the rather highly regarded
17 Village School of North Bennington probably
18 affects the value of the property in a
19 positive way.

20 BY MR. WILSON:

21 Q. Are there any factors in the community that
22 detract from the value of your home?

23 MS. JOSELSON: Objection.

24 A. I would say that the -- the fact that we live
25 in a zone of -- known zone of contamination

1 from PFOA detracts from the value of the home.

2 //

3 BY MR. WILSON:

4 Q. Anything other than that?

5 A. No, not that I can think of at the moment.

6 Q. Do you actually know for a fact if your
7 neighbors' properties are physically impacted
8 by PFOA in the same way as yours?

9 MS. JOSELSON: Objection.

10 A. I -- I know that -- I know that all the
11 properties in the zone of contamination have
12 been affected by the presence of PFOA.

13 BY MR. WILSON:

14 Q. Do you know that they're affected in the same
15 way?

16 MS. JOSELSON: Objection.

17 A. I know -- I know that all of the -- the
18 properties in -- in our neighborhood and in
19 the zone of contamination have -- have been
20 affected in some way by PFOA.

21 BY MR. WILSON:

22 Q. But you know they've been affected in the same
23 way?

24 MS. JOSELSON: Objection.

25 A. All -- all the properties in the zone of

1 contamination have been documented to have
2 been affected by PFOA. I don't know the
3 specific details of every single house, but I
4 know that everybody has been affected by its
5 presence.

6 BY MR. WILSON:

7 Q. So you don't know that they've been affected
8 in the same way?

9 MS. JOELSON: Objection.

10 A. I don't know that they -- I -- I don't know
11 that the properties in the zone -- all of the
12 properties in the zone of contamination have
13 been affected in an identical way, but I know
14 they've all been affected.

15 BY MR. WILSON:

16 Q. What's your understanding of the term zone of
17 contamination?

18 A. Zone of contamination, as -- as I understand
19 it, is the area that's been mapped out by the
20 state as having shown detectable levels of
21 PFOA.

22 Q. What disclosure do you think you would have to
23 make to a prospective buyer of your house with
24 regard to PFOA?

25 MS. JOELSON: Objection.

1 A. I -- I expect that we would have to disclose
2 to them that -- that we are -- the house is
3 located in zone of contamination and that --
4 well, that's -- that -- that probably would be
5 said, that the property is located within the
6 zone of contamination.

7 MR. WILSON: We can take a break.

8 THE VIDEOGRAPHER: The time is now
9 approximately 11:35 a.m. This completes disc
10 No. 1 of the deposition of James D. Sullivan.

11 Going off the record.

12 (Brief recess taken.)

13 THE VIDEOGRAPHER: The time is now
14 approximately 11:51 a.m. Going back on the
15 record with disc No. 2 of the deposition of
16 James D. Sullivan.

17 BY MR. WILSON:

18 Q. Mr. Sullivan, prior to January 2016, did you
19 ever have your well water tested?

20 A. No.

21 Q. Now since that time, you've had your water
22 tested for PFOA; is that correct?

23 A. That's correct. It was tested as part of
24 the -- the protocol that the -- that the state
25 instituted.

1 Q. And do you know what the initial test result
2 was?

3 A. I -- as far as the PFOA levels?

4 Q. Yes.

5 A. I -- I believe it was approximately 270 parts
6 per trillion in the first test.

7 Q. And after those tests, a POET was installed in
8 your home; is that correct?

9 A. It was after -- it was after -- I -- actually
10 I can't remember exactly the sequence, but a
11 POET system was installed, yes.

12 Q. And who paid for that POET to be installed?

13 A. Not me.

14 Q. Do you know who paid for it?

15 A. My -- my understanding is that Saint-Gobain
16 did, but I really don't have any direct
17 knowledge of that.

18 Q. And after the POET was installed, did it
19 remove PFOA from your water?

20 MS. JOELSON: Objection.

21 A. The -- the -- when it's been tested
22 subsequently, I -- I believe that the PFOA
23 levels were classified as non-detected.

24 BY MR. WILSON:

25 Q. So no PFOA has been detected in your water

1 after the installation of that POET?

2 MS. JOSELSON: Objection.

3 A. No PFOA has been detected in the water exiting
4 the POET system. Its levels have increased
5 actually quite a bit before it goes into the
6 PFOA system.

7 BY MR. WILSON:

8 Q. And to be clear, the water exiting the POET
9 system is the water that is being used in your
10 home; is that correct?

11 MS. JOSELSON: Objection.

12 A. That's correct.

13 THE WITNESS: Oh, sorry.

14 BY MR. WILSON:

15 Q. Do you use any water in your home, other than
16 the water that comes out of the POET system?

17 A. No.

18 Q. Prior to January 2016 did you ever have your
19 soil tested?

20 A. No. Could I -- could I just retreat a moment?

21 Q. What do you mean by retreat?

22 A. A question. You asked if we used any other
23 water.

24 Q. Yes. If you -- if you need to change your
25 answer to that effect, please go ahead.

1 A. We -- we use the -- we use the bottled water
2 that's brought into the house for domestic
3 consumption.

4 Q. Thanks for that clarification or retreat.

5 A. Thank you.

6 Q. Since January 2016, have you had the soil
7 tested at your home?

8 A. No.

9 Q. So you've never had the soil tested at your
10 home?

11 A. No.

12 Q. Any other testing at your property with regard
13 to PFOA?

14 MS. JOSELSON: Objection.

15 A. No.

16 BY MR. WILSON:

17 Q. Any testing with regard to any other
18 substances at your home?

19 A. The -- the -- the tests that are done for PFOA
20 include a number of other chemicals, as well.

21 Q. And did those tests find any other chemicals
22 of concern?

23 A. Yeah. At -- at -- at varying levels, but,
24 yeah, I'm not as familiar with -- with those
25 specific chemicals. But they test for an

1 array of them.

2 Q. Did the levels of those other chemicals exceed
3 recommended thresholds?

4 A. I don't -- I don't believe so. I don't --
5 I -- I can't speak to all those, no.

6 Q. Do you and your wife entertain socially at
7 your home?

8 A. Infrequently.

9 Q. Has the detection of PFOA changed in any way
10 the frequency with which you entertain?

11 A. No. We've gone from infrequent to infrequent.

12 Q. Since PFOA was first detected in your water,
13 have you taken any steps to have it removed?

14 MS. JOSELSON: Objection.

15 A. Since PFOA was detected in the -- in the
16 water?

17 BY MR. WILSON:

18 Q. Yes.

19 A. Other -- other than agreeing to the
20 installation of the POET system?

21 Q. Yes.

22 A. No.

23 Q. Are you aware of the Bennington landfill?

24 A. I -- I know where it is.

25 Q. How close is your home to the landfill?

1 A. I can't say exactly. It's -- it's located off
2 Houghton Lane, which is -- when you drive
3 there, it's probably about a 3-mile drive.

4 Q. Have you ever assessed the value of any other
5 properties near your home?

6 MS. JOELSON: Objection.

7 A. No.

8 BY MR. WILSON:

9 Q. Have you incurred any expenses due to PFOA in
10 groundwater that have not been reimbursed?

11 A. Your -- so apologies, but I think in terms of
12 economics when you say that, and I -- I
13 consider that kind of broadly. So expenses
14 you mean dollars and cents?

15 Q. Yes. I -- I mean actual -- actual expenses.
16 You know, if something was -- I'm not talking
17 about something if it was an inconvenience,
18 but you didn't pay any money for it. Just
19 actual expenses that you paid money for.

20 MS. JOELSON: Objection.

21 A. Actual expenses that we paid money for
22 associated with the -- the PFOA.

23 Well, I mean, there's certainly the, you
24 know, the changing in our -- the investment in
25 the garden stuff that -- that we've done, as

1 far as that goes. And other than that, I
2 would say probably the -- the recycling and --
3 the effort of getting rid of all those plastic
4 bottles that I so dislike.

5 BY MR. WILSON:

6 Q. But any expense associated with that recycling
7 or just -- just time?

8 A. Yeah. Time -- time is money.

9 Q. Do you believe you'll have to incur any
10 expenses in the future due to the presence of
11 PFOA in groundwater?

12 MS. JOELSON: Objection.

13 A. Well, again, you know, I -- I would say
14 expense is -- is -- you know, could be like an
15 opportunity cost issue. So an expense is the
16 loss -- loss in value of the house. That's a
17 real expense.

18 BY MR. WILSON:

19 Q. Just -- just to keep things separate, I -- I
20 do understand that you're claiming loss of
21 value, but just so we're talking about the
22 same -- same things, I'm thinking of actual
23 expenses that you might spend out-of-pocket
24 dollars on.

25 Do you anticipate any out-of-pocket

1 expenses in the future --

2 MS. JOSELSON: Objection.

3 BY MR. WILSON:

4 Q. -- with regard to PFOA in groundwater?

5 A. Out-of-pocket expenses that I'm -- I'm
6 anticipating in the short term? I -- I don't
7 have any.

8 Q. So we've been talking about your property for
9 some time now. We're going to shift now to
10 talk about you.

11 A. Excellent. Fascinating subject.

12 Q. Well, I thought your property was pretty
13 fascinating, too.

14 But can you tell me how old you are?

15 A. I'm 57.

16 Q. And how long have you lived in Bennington?

17 A. Since the summer of 2008.

18 Q. And before that you were in Arlington?

19 A. That's correct.

20 Q. And the only other address that you've lived
21 at in Bennington was that apartment downtown;
22 is that correct?

23 A. That's correct.

24 Q. Do you happen to know whether that apartment
25 was on municipal water?

1 A. Yes, it was.

2 Q. And where did you grow up?

3 A. I grew up in Auburn, New York.

4 Q. And how long did you live in Auburn?

5 A. I lived there from the time I was born until
6 the time I graduated from high school in 1978,
7 returning during the summers while I was an
8 undergraduate.

9 Q. Okay. So it was New York, Auburn, New York,
10 from birth to end of high school. Then Maine
11 for college?

12 A. Yes.

13 Q. And then back to New York for Cornell?

14 A. That's right.

15 Q. And then -- I'm sorry, where did you get your
16 last degree?

17 A. Syracuse.

18 Q. Syracuse. Okay. And then to Vermont.

19 A. Yes.

20 Q. To Manchester.

21 A. Yes. I -- I -- well, I was -- that's correct.
22 I was -- I was hired to work in Manchester,
23 and my first -- my first apartment in Vermont
24 was in Manchester Village.

25 Q. Okay. And then after Manchester, it was to

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5 MR. WILSON: That's probably a good
6 stopping point if you want to break for lunch.

7 THE VIDEOGRAPHER: The time is now
8 approximately 12:34 p.m. Going off the
9 record.

10 (Lunch recess taken.)

11 THE VIDEOGRAPHER: The time is now
12 approximately 1:50 p.m. Going back on the
13 record.

14 MS. JOSELSON: And before we do, Lincoln,
15 I just wanted to put a standing objection on
16 the record to the extent that your questions
17 inquire about medical records beyond or the
18 medical issues beyond the 20 years that the
19 Court allowed. We've just got a standing
20 objection to that throughout the depos.

21 MR. WILSON: Objection's noted. Thanks,
22 Emily.

23 BY MR. WILSON:

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1 inherited that from her mother's side of the
2 family.

3 Other than that, I don't know of any.

4 Q. Has your physician told you about any risk of
5 cancer to you based on family history?

6 A. The increased risk for prostate cancer because
7 of family history, yeah.

8 Q. Has your physician told you about any risk of
9 cancer due to any other factor that's in your
10 life?

11 A. The only thing that my physician has told me
12 regarding that is recently that we should
13 monitor -- monitor my health for anything
14 related -- that's been -- that's been
15 correlated with PFOA exposure.

16 Q. Have you had any cancer scares, if you -- if
17 you understand what that would mean?

18 MS. JOSELSON: Object to the form.

19 BY MR. WILSON:

20 Q. Moments where you had some symptoms that you
21 thought, oh, what if this is cancer, and you
22 looked, checked it out and turned out not to
23 be?

24 A. No.

25 Q. So speaking of your -- your blood relatives,

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7 MR. WILSON: My apologies. Just trying
8 to find a -- what are we up to on exhibits?

9 MS. JOSELSON: 8.

10 (Deposition Exhibit No. 8 was marked for
11 identification.)

12 BY MR. WILSON:

13 Q. The court reporter's handed you what's been
14 marked Exhibit 8 to your deposition.

15 Can you tell me what this is?

16 A. Not easily but Declaration of James D.
17 Sullivan In Support of Plaintiff's Motion For
18 Class Certification.

19 Q. Do you recognize it?

20 A. Yes.

21 Q. What role did you have in preparing this
22 document?

23 A. I met with my attorneys, I reviewed the
24 document and provided them information for
25 it -- for the preparation of it.

1 Q. Did you review it before you signed it?

2 A. Oh, yes.

3 Q. And you understand that everything -- that you
4 swore that everything in this document is
5 true; is that correct?

6 A. Yes.

7 Q. Do you understand yourself to be representing
8 the exposure class in this action?

9 MS. JOELSON: Objection.

10 But you can answer.

11 A. I certainly represent -- understand myself to
12 be representing the -- the class of residents
13 who've been exposed to PFOA, yes.

14 BY MR. WILSON:

15 Q. And do you understand yourself to be
16 representing the property damage class in this
17 action?

18 A. Oh, yeah. Yes.

19 Q. So just noticing sort of a difference in how
20 you responded to those two questions, do you
21 consider yourself to be more interested in the
22 property class or better representative of the
23 property class than the exposure class?

24 MS. JOELSON: Objection.

25 A. No, I think it's just the first question I

1 wasn't quite sure about the meaning and the
2 term exposure class.

3 BY MR. WILSON:

4 Q. So what -- can you tell me your understanding
5 of what this lawsuit is about?

6 A. Sure. The -- the lawsuit is -- is about
7 damages suffered by people in the North
8 Bennington, Bennington area resulting from
9 exposure to PFOA that was released over the
10 years from the former ChemFab, slash,
11 Saint-Gobain factory in North Bennington.

12 Q. And what's your understanding of what the
13 lawsuit alleges that Saint-Gobain did that was
14 wrong?

15 A. Saint-Gobain released a harmful chemical into
16 the environment that affected the environment,
17 soils, groundwater, individual people and
18 their properties.

19 Q. And what do you understand to be the relief
20 that you're asking the court to provide?

21 A. Relief that we're looking for deals
22 specifically with ongoing medical monitoring
23 to be paid by the plaintiff, to monitor
24 potential health effects resulting from
25 exposure and also the loss in the value of the

1 property and enjoyment of our property and
2 also the -- the -- the disrupt and kind of
3 distress caused by the situation that we've
4 been exposed to.

5 Q. What do you understand to be your duty or
6 duties as a representative of the putative
7 class?

8 A. You know, to work with the -- work with the
9 legal team to make sure that all of the -- the
10 facts are presented thoroughly and fairly and
11 to, you know, to appear in proceedings like
12 this to -- to make sure that, you know, we're
13 doing everything that is required of us.

14 Q. What made you decide to file this lawsuit?

15 A. Well, there was a, you know, a concern about
16 the effect that PFOA had on us and our
17 neighbors and other people in the community,
18 and just wanting to try to recover from the
19 impacts of that.

20 Q. Did you reach out to an attorney about filing
21 this lawsuit, or did an attorney reach out to
22 you?

23 A. I -- if I recall right, I -- I contacted an
24 attorney shortly after I discovered that our
25 neighborhood had been impacted.

1 Q. And just to be clear, I'm not asking you to
2 divulge any communications that you've had
3 with any of your attorneys. That's protected
4 by attorney/client privilege.

5 A. Mm-hmm.

6 Q. Which attorney did you contact after you had
7 these concerns?

8 A. I believe that I contacted David Silver
9 initially.

10 Q. And I notice on the caption to this case it
11 lists your name first.

12 Did you have any -- is there any
13 significance to that? Did you have any role
14 in being -- leading the charge, as it were, in
15 this lawsuit?

16 MS. JOELSON: Objection.

17 A. Not that I know of.

18 BY MR. WILSON:

19 Q. Not that you know of.

20 Are you flattered that you're the first
21 plaintiff listed on the caption?

22 MS. JOELSON: Objection.

23 A. I would have to say no, that's not something
24 that I find flattering.

25 MR. SILVER: It was -- we listed it by

1 weight.

2 MS. JOELSON: So unnecessarily mean.

3 MR. WILSON: Didn't want to go off the
4 record for that?

5 THE WITNESS: I won't contact you first
6 again.

7 MR. WILSON: Yeah. You contacted the
8 wrong attorney. Okay.

9 BY MR. WILSON:

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Category	Item	Value
Category 1	Item 1.1	95
	Item 1.2	98
	Item 1.3	85
	Item 1.4	45
	Item 1.5	20
Category 2	Item 2.1	95
	Item 2.2	40
Category 3	Item 3.1	98
	Item 3.2	95
	Item 3.3	100
	Item 3.4	98
	Item 3.5	95
	Item 3.6	90
	Item 3.7	95
	Item 3.8	98
	Item 3.9	40
	Item 3.10	90
Category 4	Item 4.1	95
	Item 4.2	55
Category 5	Item 5.1	25
	Item 5.2	90
Category 6	Item 6.1	25
	Item 6.2	98
Category 7	Item 7.1	25
	Item 7.2	98
	Item 7.3	40

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15 Q. Before PFOA was detected in your well water,
16 can you tell me all the different ways that
17 you used your water?

19 A. Yes.

21	A. Yes.
----	---------

23	A. Yes.
----	---------

25	A. Yes.
----	---------

1 Q. Did you water your lawn or other plants?

2 A. Watered mostly the garden. Generally don't
3 water my lawn.

4 Q. Any other uses?

5 A. Well, you say clean, so I suppose there's
6 different things I might have cleaned like
7 wash the car and things like that. But, you
8 know --

9 Q. And after PFOA has been detected in your
10 water, how did your water usage change?

11 Do you still bathe with it?

12 A. Yes. It's still -- still bathe with it.
13 There was a period before the POETs were
14 installed, the port-of-entry treatment system,
15 where we were instructed to strictly limit the
16 amount of time we spent showering, for
17 example; but after the POET system, it's
18 largely the way previously.

19 Q. Do you cook with it?

20 A. We use bottled water to cook.

21 Q. Do you use tap water to clean?

22 A. To clean the -- like countertops and things
23 like that; is that what you're referring to?

24 Q. That or anything else that you might clean
25 with.

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Category	Sub-category	Value
Category 1	Sub-category 1.1	10
	Sub-category 1.2	20
	Sub-category 1.3	30
	Sub-category 1.4	40
	Sub-category 1.5	50
	Sub-category 1.6	60
	Sub-category 1.7	70
	Sub-category 1.8	80
	Sub-category 1.9	90
	Sub-category 1.10	100
Category 2	Sub-category 2.1	10
	Sub-category 2.2	20
	Sub-category 2.3	30
	Sub-category 2.4	40
	Sub-category 2.5	50
	Sub-category 2.6	60
	Sub-category 2.7	70
	Sub-category 2.8	80
	Sub-category 2.9	90
	Sub-category 2.10	100
Category 3	Sub-category 3.1	10
	Sub-category 3.2	20
	Sub-category 3.3	30
	Sub-category 3.4	40
	Sub-category 3.5	50
	Sub-category 3.6	60
	Sub-category 3.7	70
	Sub-category 3.8	80
	Sub-category 3.9	90
	Sub-category 3.10	100
Category 4	Sub-category 4.1	10
	Sub-category 4.2	20
	Sub-category 4.3	30
	Sub-category 4.4	40
	Sub-category 4.5	50
	Sub-category 4.6	60
	Sub-category 4.7	70
	Sub-category 4.8	80
	Sub-category 4.9	90
	Sub-category 4.10	100

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A horizontal bar chart with 100 rows. Each row has a category label on the left and a corresponding black bar on the right. The bars represent percentages, with most being 100%. The categories are numbered 1 through 100. The bars are black and the background is white.

Category	Percentage
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Category	Sub-category	Value
Category 1	Sub-category 1.1	10
	Sub-category 1.2	20
	Sub-category 1.3	80
	Sub-category 1.4	30
	Sub-category 1.5	90
	Sub-category 1.6	100
	Sub-category 1.7	40
	Sub-category 1.8	30
	Sub-category 1.9	20
	Sub-category 1.10	40
Category 2	Sub-category 2.1	90
	Sub-category 2.2	60
	Sub-category 2.3	20
	Sub-category 2.4	95
	Sub-category 2.5	100
	Sub-category 2.6	100
	Sub-category 2.7	50
	Sub-category 2.8	20
	Sub-category 2.9	20
	Sub-category 2.10	30
Category 3	Sub-category 3.1	100
	Sub-category 3.2	100
	Sub-category 3.3	100
	Sub-category 3.4	50
	Sub-category 3.5	30
	Sub-category 3.6	30
	Sub-category 3.7	100
	Sub-category 3.8	100
	Sub-category 3.9	40
	Sub-category 3.10	20
Category 4	Sub-category 4.1	40
	Sub-category 4.2	20
	Sub-category 4.3	40
	Sub-category 4.4	20

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Category	Sub-category	Value
Category 1	Sub-category 1.1	100
	Sub-category 1.2	95
	Sub-category 1.3	10
Category 2	Sub-category 2.1	20
	Sub-category 2.2	100
Category 3	Sub-category 3.1	30
	Sub-category 3.2	25
Category 4	Sub-category 4.1	10
	Sub-category 4.2	20
Category 5	Sub-category 5.1	30
	Sub-category 5.2	70
Category 6	Sub-category 6.1	100
	Sub-category 6.2	90
Category 7	Sub-category 7.1	40
	Sub-category 7.2	10
Category 8	Sub-category 8.1	40
	Sub-category 8.2	10
Category 9	Sub-category 9.1	90
	Sub-category 9.2	10
Category 10	Sub-category 10.1	40
	Sub-category 10.2	10
Category 11	Sub-category 11.1	30
	Sub-category 11.2	20
Category 12	Sub-category 12.1	20
	Sub-category 12.2	10
Category 13	Sub-category 13.1	10
	Sub-category 13.2	10
Category 14	Sub-category 14.1	10
	Sub-category 14.2	10

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Q. All of it. A few more questions, and then I think my colleague and I will probably take a quick break to see if there's anything else we need to talk about.

A. Okay. Sure.

Q. Are you -- are you acquainted with the other named plaintiffs in this lawsuit?

A. I think I -- I think I've met them all, but I don't know them all well.

Q. Which of them were you acquainted with prior to the filing of this lawsuit?

A. Primarily -- well, my -- my wife, Leslie Addison, and Sandy Sumner, who lives nearby us, and I think that's about it actually.

Q. And do you know Sandy primarily as a neighbor or through some other connection?

A. Yeah, as a neighbor.

Q. Have you discussed this litigation with the other named plaintiffs?

A. Not -- not in much detail. Just, you know, when we've been together at a meeting just kind of casual conversation.

Q. And you've had e-mail communications, as well,

1 right?

2 A. Back and forth between the named plaintiffs?

3 Not that I recall.

4 Q. I think that some e-mails have been produced
5 in this case that involve e-mail
6 communications between --

7 A. Oh, I'm sorry. So -- not -- so there was some
8 e-mail communications early on, especially
9 amongst our neighborhood group, and Sandy was
10 in that e-mail chain.

11 There were also some e-mails with some
12 other -- other folks in the community, but I
13 can't remember if any of them are named
14 plaintiffs, to tell you the truth. There were
15 some people over on -- on like Barred Road
16 that we e-mailed with and I think on Apple
17 Hill.

18 Q. And so were you having conversations about
19 PFOA and APFO, that sort of thing?

20 A. Like through these e-mails or --

21 Q. Yes.

22 A. Yeah. To the extent that we were
23 communicating about the case, we talked about
24 issues related to the case. So it was
25 primarily, like, you know, getting -- trying

1 to schedule a meeting, that kind of thing.

2 Q. Do people in the Bennington area know that
3 you're a named plaintiff in this case?

4 MS. JOSELSON: Objection.

5 A. I was a -- some -- some people do. Most
6 people probably don't.

7 BY MR. WILSON:

8 Q. Do people ask you about it out of the blue?

9 A. Out of the blue? No.

10 Q. Have you arranged any public meetings to
11 discuss this case?

12 A. I haven't arranged any public meetings, no.

13 Q. Have you arranged small group meetings?

14 A. I helped arrange a couple of meetings with our
15 neighborhood group and another neighborhood
16 group. And I think -- I think I -- I also --
17 I also helped arrange a meeting where we
18 talked specifically about the municipal water
19 connection issue that was maybe, you know, a
20 broader audience.

21 Q. Anything else you've discussed at these
22 meetings, other than what you've told me
23 about?

24 A. Like, what we discussed at the meetings? I
25 mean, we -- you know, we talked about -- back

1 when we were having these meetings, we talked
2 about, well, you know, what -- what should we
3 do, and, you know, how should we carry
4 forward. It was -- a lot of it was, you know,
5 before there was this case. It was just the
6 knowledge of the PFOA.

7 Q. At that time had you already reached out to
8 Mr. Silver about filing this lawsuit?

9 A. When we first had those neighborhood meetings?
10 I can't really -- I can't really recall. I do
11 think I -- I made initial contact with Mr.
12 Silver within a few days of finding out that
13 we had PFOA just to kind of have a general
14 conversation about legal options, but we
15 didn't do any follow-up conversations for
16 quite a while.

17 Q. And was it your conversation with Mr. Silver
18 that led to all of these plaintiffs agreeing
19 to file this lawsuit?

20 MS. JOELSON: Objection.

21 A. No.

22 BY MR. WILSON:

23 Q. Do you know if -- did other people have
24 independent contact with Mr. Silver?

25 MS. JOELSON: Objection.

1 A. I don't know.

2 //

3 BY MR. WILSON:

4 Q. Do you know Bishop Robin Green?

5 A. No.

6 Q. Do you know Sharon Jones?

7 A. Sharon -- Sharon Jones is one of -- one of our
8 neighbors, I think.

9 Q. Do you know -- were you aware that she has
10 withdrawn as a class representative in this
11 case?

12 A. No.

13 Q. Have you communicated with any member of any
14 government agency regarding PFOA, ChemFab or
15 Saint-Gobain?

16 A. PFOA, ChemFab or Saint-Gobain. Yes.

17 Q. Which agency?

18 A. I think primarily, if not exclusively, with
19 folks in the Department of Environmental
20 Conservation. Although may have had some
21 passing communication with someone, the health
22 department regarding, you know, schedule of
23 blood testing and things like that.

24 Q. Do you know the names of those people?

25 A. Do I know the names? I -- I recall --

1 probably I can't remember the people in the
2 Department of Environmental Conservation
3 specifically. A couple of people, yeah.

4 Q. And did you communicate with anyone at the
5 local Bennington water utility?

6 A. I've -- I've communicated with someone at the
7 North Bennington water department. I think
8 they actually -- they may have contacted me
9 about, you know -- I mean, my wife and other
10 people in the neighborhood about whether we
11 were interested in getting connected to their
12 system.

13 Q. And can you describe -- taking a step back --
14 those conversations that you've had with the
15 Department of Environmental Conservation?

16 MS. JOELSON: Objection.

17 A. Yeah. So early -- early on when this was
18 discovered, I know we had some general
19 conversations with kind of their point person
20 on this, whose name was Richard Spiese,
21 S-p-i-e-s-e, and there was another gentleman
22 whose name I don't recall. It's at the tip of
23 my tongue.

24 But anyway, they were both DEC
25 representatives, and the commissioner of the

1 Department of Environmental Conservation, the
2 previous one and -- whose name I don't --

3 BY MR. WILSON:

4 Q. Is that Miss Dugan?

5 A. No, it wasn't Dugan. Do you know the previous
6 commissioner?

7 Q. Schuren?

8 A. Oh, yeah, Alyssa Schuren, yeah. I just kind
9 of contacted them and kind of inquiring what
10 the -- kind of, like, what the -- the status
11 of things were or what -- what they were going
12 to do for, you know, testing and -- and kind
13 of the general process for how things would
14 lay out going forward.

15 And I would say I -- I spoke with -- I
16 spoke, you know, at some of the -- a couple of
17 the public meetings, too, and I asked
18 questions of them, and most -- more recently
19 I -- I asked -- I directed a question to, I
20 think it was to Richard Spiese -- Spiese at
21 the department about what the status was of
22 testing at the ChemFab building itself.

23 Q. So what -- when you reached out to these
24 officials at the Department of Environmental
25 Conservation, what did they tell you?

1 MS. JOSELSON: Objection.

2 A. I -- I mean, I can't remember details. I
3 would say that in general they, you know,
4 described what, you know, their response was
5 going to be as far as, you know, initially
6 bringing in tanker trucks of water and where
7 they'd be deployed and how they were hoping
8 to, you know, follow up and pursue discussions
9 with Saint-Gobain about remediating the
10 contamination.

11 BY MR. WILSON:

12 Q. And you mentioned you had a recent
13 communication with them about the status of
14 testing at the former ChemFab facility.

15 Have communications with the Department
16 of Environmental Conservation continued after
17 the filing of this lawsuit?

18 MS. JOSELSON: Objection.

19 A. Yeah, I would -- I would say in -- not beyond
20 what I've just already described to you.

21 BY MR. WILSON:

22 Q. Does anyone in -- either in the putative class
23 or do the other class members look to you
24 to -- to speak to people on behalf of the
25 class?

1 MS. JOSELSON: Objection.

2 A. I -- I would say that very early on in the --
3 I was -- I was asked, because I work with
4 state agency folks, that -- if I would try to
5 make sure that there was open communication,
6 especially regarding the municipal water
7 issue. So they did ask me to do that.

8 BY MR. WILSON:

9 Q. And do you take it upon yourself to keep
10 people in the loop, send out updates, that
11 sort of thing?

12 A. No.

13 Q. Do people ask you for updates?

14 A. No, not typically, no.

15 Q. Have you ever communicated with any
16 Saint-Gobain or ChemFab employee about PFOA or
17 the company operations?

18 A. No.

19 MR. WILSON: We can take a break. It
20 might be anywhere from five to 15 minutes just
21 to see if we have any more questions.

22 THE WITNESS: Sure.

23 THE VIDEOGRAPHER: Time now is
24 approximately 3:57 p.m. Going off the record.

25 (Brief recess taken.)

Row	Bar Length (approx. % of total width)
1	45
2	65
3	95
4	75
5	90
6	98
7	98
8	75
9	98
10	15
11	45
12	20
13	80
14	100
15	45

16 Q. We have just one more exhibit here.

17	A. Okay.
----	----------

18 (Deposition Exhibit No. 9 was marked for
19 identification.)

20 BY MR. WILSON:

21 Q. So the court reporter has handed you what's
22 been marked as Exhibit 9 to your deposition.

23	Can you tell me what this is?
----	-------------------------------

24 A. So I believe this is the -- the appraisal
25 associated with the second refinancing we did

1 on our -- our home.

2 Q. So the first appraisal that we talked about
3 was from 2010, and that would have been the
4 first refinance appraisal?

5 A. Yes.

6 Q. And do you recall whether you believe that the
7 valuation that was given during this appraisal
8 was fair and accurate?

9 MS. JOSELSON: Objection.

10 A. I -- I do recall having an opinion about it.

11 BY MR. WILSON:

12 Q. What was your opinion?

13 A. I thought that it -- that the appraisal was
14 low.

15 Q. Do you believe that you are more qualified to
16 assess the value of your home than the
17 appraiser?

18 MS. JOSELSON: Objection.

19 A. Yes.

20 BY MR. WILSON:

21 Q. On what basis do you believe that?

22 A. Because I -- I know my home a lot better than
23 the appraiser and what went into the home, and
24 I also know the community very well.

25 MR. WILSON: I have no further questions.

1 Thank you.

2 THE WITNESS: Thank you.

3 MS. JOELSON: Thank you.

4 THE VIDEOGRAPHER: The time is now

5 approximately 4:12 p.m. This completes

6 today's testimony of James D. Sullivan.

7 Going off the record.

8

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ACKNOWLEDGMENT OF DEPONENT

I have read the foregoing transcript of my deposition and except for any corrections or changes noted on the errata sheet, I hereby subscribe to the transcript as an accurate record of the statements made by me.

JAMES D. SULLIVAN

SUBSCRIBED AND SWORN before and to me
this ____ day of _____, 20__.

NOTARY PUBLIC

My Commission expires:

CERTIFICATE

I, Beth Gaige, a Registered Professional Reporter, hereby certify that the within-named deponent was sworn to testify the truth, the whole truth, and nothing but the truth in the aforementioned cause of action.

I further certify that this deposition was stenographically reported by me and later reduced to print through computer-aided transcription, and the foregoing is a full and true record of the testimony given by the deponent.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

IN WITNESS WHEREOF, I subscribe my hand and affix my seal this 12th day of April 2018.



Beth Gaige, RPR

Notary Public

My commission expires:

August 22, 2019

1	E R R A T A S H E E T		
2	IN RE: SULLIVAN, et al. vs. SAINT-GOBAIN		
3	DATE: 4/9/2018		
4	PAGE	LINE	CORRECTION AND REASON
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25	(DATE)	JAMES D. SULLIVAN	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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